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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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February 18, 2014	March 17, 2014	March 31, 2014	April 30, 2014

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 15—Format for Concealed Carry Permits**

EMERGENCY RULE

11 CSR 30-15.010 Format for Concealed Carry Permits

PURPOSE: This emergency rule sets out the required information that shall appear on a concealed carry permit. Pursuant to section 571.101.8, HCS for SB 75, First Regular Session, Ninety-seventh General Assembly 2013, beginning August 28, 2013 county sheriffs are responsible for issuing a concealed carry permit to qualifying applicants. This rule will ensure that there is a uniform format for each concealed carry permit issued by all county sheriffs.

EMERGENCY STATEMENT: This emergency rule requires that, beginning August 28, 2013, sheriffs issuing a concealed carry permit shall include only certain information in that permit. Section 571.101.8, HCS for SB 75, First Regular Session, Ninety-seventh General Assembly 2013, requires that the permit be no larger than two inches wide by three and one-fourth inches long (2" × 3 1/4") and shall be of a uniform style prescribed by the Department of Public Safety.

Currently, sheriffs issue a certificate of qualification which authorizes the successful applicant to obtain a concealed carry endorsement from the Department of Revenue on his or her driver's license or nondriver's license. Beginning August 28, 2013, SB 75 will require

sheriffs to issue a concealed carry permit to the successful applicant.

House Committee Substitute for Senate Bill 75 was signed by the governor July 12, 2013 and the provisions relating to issuance of concealed carry permits become effective August 28, 2013. Because there is not adequate time for the department to promulgate a rule through the normal rulemaking process and be effective by August 28, 2013, the department is filing this emergency rule and simultaneously filing proposed rulemaking.

The emergency rule will provide guidance for all sheriffs issuing concealed carry permits between August 28, 2013 and the date the proposed rulemaking becomes effective. This emergency rule will ensure that those seeking a concealed carry permit from the sheriff will not be delayed in obtaining the permit because of a delay in promulgating a rule setting out a uniform permit style. This emergency rule also provides necessary direction to all sheriffs to avoid the possibility that sheriffs develop differing permit styles which could lead to confusion among law enforcement, permittees, and the public as to which individuals have valid concealed carry permits.

*The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Department of Public Safety believes this emergency rule is fair to all interested parties. This emergency rule was filed August 2, 2013, becomes effective August 28, 2013, and expires February 27, 2014.*

(1) For purposes of this section, the following terms mean:

(A) "Concealed carry permit," a permit issued by the sheriff or his or her designee that authorizes the permittee to carry a concealed firearm subject to the limitations set out in sections 571.101 to 571.121, RSMo; and

(B) "Provisional concealed carry permit," a temporary permit issued by the sheriff or his or her designee that authorizes the permittee, while the permittee's criminal background check is pending, to carry a concealed firearm subject to the limitations set out in sections 571.101 to 571.121, RSMo.

(2) When a sheriff or designee issues a concealed carry permit to a successful applicant, the permit shall include only the following information in the manner and location prescribed in form 1 included herein:

- (A) Name;
- (B) Address;
- (C) Date of birth;
- (D) Gender;
- (E) Height;
- (F) Weight;
- (G) Hair color;
- (H) Eye color;
- (I) Signature of permit holder;
- (J) Signature of sheriff;
- (K) Date permit is issued;
- (L) Expiration date; and
- (M) Permit number assigned by the sheriff or designee pursuant to section 571.101.8, RSMo. The permit number shall include the three

(3) digit county code followed by a unique permit number assigned to the individual obtaining the permit.

(3) When a sheriff or designee issues a provisional concealed carry permit to an applicant whose criminal background check is pending, the provisional permit shall include only the following information in the manner and location prescribed in form 2 included herein:

- (A) Name;
- (B) Address;
- (C) Date of birth;
- (D) Gender;
- (E) Height;

- (F) Weight;
- (G) Hair color;
- (H) Eye color;
- (I) Signature of permit holder;
- (J) Signature of sheriff;
- (K) Date permit is issued;
- (L) In lieu of an expiration date, the word "PROVISIONAL" shall appear on the permit; and


(M) Permit number assigned by the sheriff or designee pursuant to section 571.101.8, RSMo. The permit number shall include the three (3) digit county code followed by a unique permit number assigned to the individual obtaining the provisional permit.


(4) Any concealed carry permit or provisional concealed carry permit issued shall include the Missouri state seal in the manner and location prescribed in forms 1 and 2.

(5) Pursuant to section 571.101.8, RSMo, the permit shall be two inches wide by three and one-fourth inches long (2" × 3 1/4").

(6) The concealed carry permit or provisional concealed carry permit shall not include a photograph of the permit holder.

Concealed Carry Permit Samples:

MISSOURI CONCEALED CARRY PERMIT		
Permit Number XXX-XXXXXXX		
LAST NAME FIRST AND MIDDLE ADDRESS CITY, STATE ZIP		_____ (Sheriff Signature) County
Birthdate XX-XX-XXXX		
Permit Issue Date XX-XX-XXXX	Expiration Date XX-XX-XXXX	
Gender M/F	Height X'X	Weight XXX
Eye Color XXXXX	Hair Color XXXXX	
Signature _____		

MISSOURI PROVISIONAL CONCEALED CARRY PERMIT		
Permit Number XXX-XXXXXXX		
LAST NAME FIRST AND MIDDLE ADDRESS CITY, STATE ZIP		_____ (Sheriff Signature) County
Birthdate XX-XX-XXXX		
Permit Issue Date XX-XX-XXXX	PROVISIONAL	
Gender M/F	Height X'X	Weight XXX
Eye Color XXXXX	Hair Color XXXXX	
Signature _____		

AUTHORITY: section 571.101, HCS for SB 75, First Regular Session, Ninety-seventh General Assembly 2013. Emergency rule filed Aug. 2, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. A proposed rule, which covers this same material, is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 400—Life, Annuities and Health
Chapter 11—Navigators**

EMERGENCY RULE

**20 CSR 400-11.100 Navigator Examination and Licensing
Procedures and Standards**

PURPOSE: This rule prescribes the application process, fees, examination, and initial training for navigators.

*EMERGENCY STATEMENT: Because sections 376.2000–376.2014, RSMo Supp. 2012, became law with an emergency clause on July 12, 2013, this emergency rule is required to implement this legislation and to ensure that navigators are licensed prior to the exchange becoming operational in this state. On October 1, 2013, the open enrollment period begins for the federally facilitated exchange. Therefore the Department of Insurance, Financial Institutions and Professional Registration finds a compelling governmental interest exists which requires this emergency action. A proposed rule that covers this same material is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections in the **Missouri and United States Constitutions**. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency rule is fair to all interested parties under these circumstances. This emergency rule was filed July 24, 2013, becomes effective August 3, 2013, and expires January 29, 2014.*

(1) Application and Fees. Application for a navigator license shall include the following, as applicable:

(A) Initial Licensure.

1. Individual navigator.

A. A completed application form, which is included herein as Exhibit 1 of this rule revised July 24, 2013, or any form which substantially comports with the specified form.

B. Twenty-five dollar (\$25) application fee.

2. Entity navigator.

A. A completed application form, which is included herein as Exhibit 2 of this rule revised July 24, 2013, or any form which substantially comports with the specified form.

B. Fifty dollar (\$50) application fee.

C. List of all Missouri-licensed navigators conducting business on behalf of the entity.

(2) Required Examination.

(A) Before an individual may be licensed as a navigator, the applicant must first take and pass an examination testing the individual's knowledge regarding health insurance, health insurance exchanges, and navigator roles and responsibilities. The department may contract with an independent testing service(s) to administer an examination. In order to take the examination, an individual must register and pay an applicable testing fee.

(B) An individual may satisfy the examination requirement by demonstrating achievement of a passing score on any approved certification examination that allows the individual to perform duties identified in 42 U.S.C. section 18031(i) or related duties, irrespective of whether the examination is for purposes of serving as a navigator, certified application counselor, in-person assister, or health center outreach and enrollment assistance worker.

(3) Initial Training. Initial training shall be that training which is sufficient to pass the examination referenced in section (2) above.



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION
APPLICATION FOR NAVIGATOR LICENSE

EXHIBIT 1

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE											
1. SOCIAL SECURITY NUMBER					2. DATE OF BIRTH						
3. LAST NAME			JR./SR., ETC.		4. FIRST NAME			5. MIDDLE NAME			
6. RESIDENCE/HOME ADDRESS (PHYSICAL STREET)				7. P.O. BOX		8. CITY		9. STATE		10. ZIP CODE	
										11. COUNTRY	
12. HOME TELEPHONE NUMBER				13. MOBILE TELEPHONE NUMBER				14. PERSONAL EMAIL ADDRESS			
15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female				16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen?							
17. BUSINESS ENTITY NAME											
18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET)				19. P.O. BOX		20. CITY		21. STATE		22. ZIP CODE	
										23. COUNTRY	
24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.)				25. BUSINESS FAX NUMBER		26. BUSINESS E-MAIL ADDRESS			27. BUSINESS WEBSITE ADDRESS		
28. APPLICANT'S MAILING ADDRESS			29. P.O. BOX		30. CITY			31. STATE		32. ZIP CODE	
										33. COUNTRY	
34. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST.											

BACKGROUND INFORMATION

35. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime? ☐ YES ☐ NO

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration? ☐ YES ☐ NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions, in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

BACKGROUND INFORMATION

3. Have you failed to pay state or federal income tax? ☐ YES ☐ NO
- Have you failed to comply with an administrative or court order directing payment of state or federal income tax? ☐ YES ☐ NO
- If you answer yes, you must attach to this application:
- a) a written statement explaining the circumstances of each administrative or court order;
 - b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.);
 - c) a certified copy of each administrative or court order, judgment, and/or lien; and
 - d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).
4. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? ☐ YES ☐ NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident,
 - b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
 - c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.
5. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO
- Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO
- Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a navigator license, and
 - b) copies of all relevant documents.
6. Do you currently have or have you had a child support obligation? ☐ YES ☐ NO
- If you answer yes:
- a) are you in arrearage? ☐ YES ☐ NO
 - b) by how many months are you in arrearage? _____ months
 - c) what is the total amount of your arrearage? _____
 - d) are you currently subject to a repayment agreement to cure the arrearage? ☐ YES ☐ NO
 - e) are you in compliance with said repayment agreement? ☐ YES ☐ NO
 - f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.) ☐ YES ☐ NO
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support? ☐ YES ☐ NO

EMPLOYMENT HISTORY

36. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education.

			FROM		TO		POSITION HELD
			MONTH	YEAR	MONTH	YEAR	
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					

EXAMINATION REQUIREMENT

37. Have you successfully passed a written examination relating to the license for which you are applying?

☐ YES ☐ NO

UPON SUCCESSFUL PASSAGE, PROVIDE DOCUMENTATION TO MO DIFP - INSURANCE.

APPLICANT'S CERTIFICATION AND ATTESTATION

38. The Applicant must read the following very carefully:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
3. I further certify under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 35.3.
4. I further certify, under penalty of perjury, that a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.

ORIGINAL APPLICANT SIGNATURE

FULL LEGAL NAME (PRINTED OR TYPED)

DATE (MONTH/DAY/YEAR)

INSTRUCTIONS

1. All applicants must submit a \$25 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Mail completed application to: MO DIFP - Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001



MISSOURI DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
LICENSING SECTION

APPLICATION FOR NAVIGATOR ENTITY LICENSE

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

EXHIBIT 2

PLEASE PRINT OR TYPE					
1. NAVIGATOR ENTITY NAME		2. INCORPORATION/FORMATION DATE (MONTH/DAY/YEAR)		3. FEIN	
4. LIST ALL NAMES UNDER WHICH YOU ARE DOING BUSINESS		5. STATE OF DOMICILE		6. COUNTRY OF DOMICILE	
7. CONTACT NAME					
8. BUSINESS ADDRESS		9. CITY		10. STATE	
				11. ZIP OR FOREIGN COUNTRY	
12. TELEPHONE NUMBER		13. FAX NUMBER		14. BUSINESS WEBSITE ADDRESS	
				15. BUSINESS EMAIL ADDRESS	
16. MAILING ADDRESS		17. P.O. BOX		18. CITY	
				19. STATE	
				20. ZIP OR FOREIGN COUNTRY	

BACKGROUND INFORMATION

21. Please read the following very carefully and answer every question. All copies of documents must be certified. All written statements submitted by the Applicant must include an original signature.

1. Has the navigator entity or any owner, partner, officer or director ever been convicted of, or is the navigator entity or any owner, partner, officer or director currently charged with, committing a crime, whether or not adjudication was withheld? ☐ YES ☐ NO

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Whether or not adjudication was withheld" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Has the navigator entity or any owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license? ☐ YES ☐ NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgement.

3. Has the navigator entity or any owner, partner, officer or director ever been notified of any delinquent income tax obligation? ☐ YES ☐ NO

If you answer yes, identify the jurisdiction(s): _____

4. Is the navigator entity or any owner, partner, officer or director a party to, or ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach or fiduciary duty? ☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

APPLICANT'S CERTIFICATION AND ATTESTATION

22. The undersigned owner, partner, officer or director of the navigator entity hereby certifies, under penalties of perjury, that:

1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation and may subject me and the navigator entity to civil or criminal penalties.
2. The navigator entity grants permission to the Department to verify any information supplied herein with any federal, state or local government agency.
3. I authorize the Director to give any information concerning the navigator entity or any owner, partner, officer or director, to any federal, state or municipal agency, or any other organization and I release the Director and any person acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
4. I acknowledge that I am familiar with the navigator laws and regulations of Missouri.
5. If required, I have received a Certificate of Good Standing from Missouri's Secretary of State.

SIGNATURE

TYPED OR PRINTED NAME

TITLE

SOCIAL SECURITY NUMBER

ADDRESS (CITY, STATE, ZIP CODE)

NOTARYNOTARY PUBLIC EMBOSSER OR
BLACK INK RUBBER STAMP SEAL

STATE

COUNTY (OR CITY OF ST. LOUIS)

SUBSCRIBED AND SWORN BEFORE ME, THIS

DAY OF

YEAR

NOTARY PUBLIC SIGNATURE

MY COMMISSION
EXPIRES**USE RUBBER STAMP IN CLEAR AREA BELOW.**

NOTARY PUBLIC NAME (TYPED OR PRINTED)

INSTRUCTIONS

Application for initial licensure for a navigator entity shall include the following, as applicable:

1. A completed Application for Navigator Entity License.
2. \$50 fee in the form of a check or money order, made payable to DIFP - Insurance.
3. Attach a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity. (Changes to this list shall be reported to the department within twenty days of the change.)
4. Mail completed application packet to: MO DIFP – Insurance
PO Box 4001
Jefferson City MO 65102-4001

AUTHORITY: section 374.045, RSMo Supp. 2012 and CCS HCS SS SB 262, First Regular Session, Ninety-seventh General Assembly 2013, sections 376.2000–376.2014, RSMo Supp. 2012. Emergency rule filed July 24, 2013, effective Aug. 3, 2013, expires Jan. 29, 2014. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RESCISSION

22 CSR 10-2.130 Additional Plan Options. This rule established the policy of the board of trustees in regard to the additional plan options provided by Missouri Consolidated Health Care Plan.

PURPOSE: This rule is being rescinded as additional plan options are no longer permitted by statute.

EMERGENCY STATEMENT: This emergency rescission is necessary to serve a compelling governmental interest by ensuring that all members are provided plan benefits as required by law and to ensure all Missouri Consolidated Health Care Plan (MCHCP) plan offerings remain compliant with applicable state and federal law and protect the trust and its members from financial liability. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the health care plan and avoid potential litigation and penalties by complying with applicable laws and regulations regarding mandated coverage as soon as reasonably possible in light of the recent federal court decision, *Missouri Insurance Coalition, v. Huff*, 2013 WL 2250430 (E.D.Mo.), issued May 22, 2013, and becoming final on June 22, 2013. Because the court in this case found the statutory provisions requiring other plan options without contraceptive coverage are void as they are pre-empted by the federal Affordable Care Act and its implementing regulations, MCHCP must now immediately come into compliance with federal mandated coverage required by the Affordable Care Act, as MCHCP does not qualify for any federal exemption from these requirements and there is no longer a state statutory requirement on which to base this rule. MCHCP will come into compliance by transferring members into a plan with contraceptive coverage. This rescission reflects changes made by the MCHCP Board of Trustees due to developments concerning the applicability and relationship between state and federal law applicable to MCHCP. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended in the *Missouri* and *United States Constitutions*. MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed on July 16, 2013, becomes effective July 26, 2013, and expires January 21, 2014.

AUTHORITY: section 103.059, RSMo 2000, and section 103.080.3., RSMo Supp. 2012. Emergency rule filed Oct. 30, 2012, effective Jan. 1, 2013, expired June 29, 2013. Original rule filed Oct. 30, 2012, effective May 30, 2013. Emergency rescission filed July 16, 2013, effective July 26, 2013, expires Jan. 21, 2014. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

EMERGENCY RESCISSION

22 CSR 10-3.130 Additional Plan Options. This rule established the policy of the board of trustees in regard to the additional plan options provided by Missouri Consolidated Health Care Plan.

PURPOSE: This rule is being rescinded as additional plan options are no longer permitted by statute.

EMERGENCY STATEMENT: This emergency rescission is necessary to serve a compelling governmental interest by ensuring that all members are provided plan benefits as required by law and to ensure all Missouri Consolidated Health Care Plan (MCHCP) plan offerings remain compliant with applicable state and federal law and protect the trust and its members from financial liability. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the health care plan and avoid potential litigation and penalties by complying with applicable laws and regulations regarding mandated coverage as soon as reasonably possible in light of the recent federal court decision, *Missouri Insurance Coalition, v. Huff*, 2013 WL 2250430 (E.D.Mo.), issued May 22, 2013, and becoming final on June 22, 2013. Because the court in this case found the statutory provisions requiring other plan options without contraceptive coverage are void as they are pre-empted by the federal Affordable Care Act and its implementing regulations, MCHCP must now immediately come into compliance with federal mandated coverage required by the Affordable Care Act, as MCHCP does not qualify for any federal exemption from these requirements and there is no longer a state statutory requirement on which to base this rule. MCHCP will come into compliance by transferring members into a plan with contraceptive coverage. This rescission reflects changes made by the MCHCP Board of Trustees due to developments concerning the applicability and relationship between state and federal law applicable to MCHCP. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended in the *Missouri* and *United States Constitutions*. MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed on July 16, 2013, becomes effective July 26, 2013, and expires January 21, 2014.

AUTHORITY: section 103.059, RSMo 2000, and section 103.080.3., RSMo Supp. 2012. Emergency rule filed Oct. 30, 2012, effective Jan. 1, 2013, expired June 29, 2013. Original rule filed Oct. 30, 2012, effective May 30, 2013. Emergency rescission filed July 16, 2013, effective July 26, 2013, expires Jan. 21, 2014. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry, and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry, and Exotic Animals Within Missouri. The director is amending subsection (1)(D).

PURPOSE: The amendment changes the definition of official laboratory and provides epidemiological investigation requirements for positive herds and all adjacent cattle herds and reclassification requirements of a positive animal.

(1) Cattle, Bison, and Exotic Bovids.

(D) Trichomoniasis (Excluding Exotic Bovids).

1. Definitions.

A. Official laboratory—Veterinary Diagnostic Laboratory operated by and under the direction of the state veterinarian, University of Missouri Veterinary Medical Diagnostic Laboratory, or other diagnostic laboratories, **accredited by the American Association of Veterinary Laboratory Diagnosticians or approved by the National Animal Health Laboratory Network**, approved by the state veterinarian and accompanied by a memorandum of understanding with the Missouri Department of Agriculture (MDA) including assurance that the laboratory will report all negative and positive samples submitted from an animal located in Missouri.

B. Positive Trichomoniasis (*Tristachyous foetus*) bull—male bovine which has ever tested positive for Trichomoniasis (*Tritrichomonas foetus*).

C. Trichomoniasis—venereal disease of cattle caused by the protozoan parasite species of *Tritrichomonas foetus*.

D. Positive Trichomoniasis (*Tritrichomonas foetus*) herd—group of bovines that have commingled in the previous breeding season and in which an animal (male or female) has had a positive diagnosis for *Tritrichomonas foetus*.

E. Negative Trichomoniasis (*Tritrichomonas foetus*) herd—a group of bovines that have been commingled in the previous breeding season and all test-eligible bulls have tested negative for *Tritrichomonas foetus* within the previous twelve (12) months.

F. Test-eligible animal—any bull at least twenty-four (24) months of age or any non-virgin bull that is sold, leased, bartered, or traded in Missouri.

G. Negative Trichomoniasis (*Tritrichomonas foetus*) bull—a bull from a negative Trichomoniasis herd with a series of three (3) negative cultures at least one (1) week apart or one (1) negative Polymerase Chain Reaction (PCR) test for *Tritrichomonas foetus* or two (2) negative PCR if commingled with a positive herd.

2. All breeding bulls (excluding exotic bovids) sold, bartered, leased, or traded within the state shall be—

A. Virgin bulls not more than twenty-four (24) months of age as determined by the presence of both permanent central incisor teeth in wear, or by breed registry papers; or

B. Tested negative for Trichomoniasis with an official culture test or official Polymerase Chain Reaction (PCR) test by an approved diagnostic laboratory within *[thirty (30)] sixty (60)* days prior to change in ownership or possession within the state.

(I) Bulls shall be tested three (3) times not less than one (1) week apart by an official culture test or one (1) time by an official PCR test.

(II) Shall be identified by official identification at the time the initial test sample is collected and the official identification recorded on the test documents.

(III) Bulls that have had contact with female cattle subsequent to or at the time of testing must be retested prior to movement.

C. The official identification, test results, date of test, test performed, and laboratory where test was performed should be included on the certificate of veterinary inspection.

3. If the breeding bulls are virgin bulls and less than twenty-four (24) months of age, they shall be—

A. Individually identified by official identification; *[and]*

B. Accompanied with a breeder's certification of virgin status signed by the breeder or his representative attesting that they are virgin bulls~~./.~~; and

C. The official identification number shall be written on the breeder's certificate.

4. Bulls going directly to slaughter are exempt from Trichomoniasis testing.

5. *Tritrichomonas foetus* positive herd—

A. An epidemiological investigation shall be performed and documented on each positive herd as well as all other herds

that were or may have been in contact with the positive herd as determined by the state veterinarian;

[A./B. Shall be quarantined or sold directly to slaughter or to a licensed livestock market for slaughter only and shipped on a VS 1-27 permit.

(I) Any non-virgin female or female twelve (12) months of age or older may be sold directly to slaughter and move on a VS 1-27 permit or remain quarantined.

(II) Positive bulls shall be sent directly to slaughter or to a licensed livestock market for slaughter only and shipped on a VS 1-27 permit.

(III) Positive animals shall be identified by a state issued temper-evident eartag; *and*

[B./C. The quarantine shall be released upon the following:

(I) All bulls in a positive *Tritrichomonas foetus* herd shall have tested negative to three (3) consecutive official *Tritrichomonas foetus* culture tests or two (2) consecutive official *Tritrichomonas foetus* PCR tests at least one (1) week apart. The initial negative test is included in the series of negative tests required; and

(II) Female(s) has a calf at side (with no exposure to other than known negative *Tritrichomonas foetus* bulls since parturition), has one hundred twenty (120) days of sexual isolation, or is determined by an accredited veterinarian to be at least one hundred twenty (120) days pregnant.

D. A request for reclassification of a positive bull shall be considered by the state veterinarian providing—

(I) The owner or agent submits a written request to the MDA state veterinarian within ten (10) days of the initial test result being reported to the owner or agent;

(II) The owner or agent pays for all additional testing expenses, including the testing of any herds that were or may have been in contact with the positive herd as determined by the state veterinarian; and

(III) The state veterinarian provides a written response to the owner or agent stating why the reclassification was or was not granted.

6. All positive *Tritrichomonas foetus* test results must be reported to the state veterinarian within seventy-two (72) hours of confirmation.

AUTHORITY: section 267.645, RSMo 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 30, 2013.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed amendment may cost private entities an estimated fifty dollars (\$50) per animal.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, Linda Hickman, DVM, State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE**PRIVATE COST****I. RULE NUMBER**

Rule Number and Name	2 CSR 30-2.020 Movement of Livestock, Poultry, and Exotic Animals Within Missouri
Type of Rulemaking	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Per animal	livestock producers	\$50

III. Worksheet

\$50 per animal

IV. Assumptions

The specificity of the test MDA utilizes to analyze samples to determine the presences of the Trichomoniasis pathogen is 99-100%. Therefore, for every 200 test performed we would have an average of one (1) bull that may be classified incorrectly as a positive bull. The proposed rule would enable the owner to submit an appeal and have the bull reclassified pending further investigation and possibly additional testing. It would be difficult to predict how many owners would elect to appeal the test results. We are assuming approximately five (5) owners would appeal on an annual basis. The cost for an additional test would be approximately fifty dollars (\$50).

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade “A” Pasteurized Milk Regulations

PROPOSED AMENDMENT

2 CSR 80-2.050 Inspection Frequency and Procedure. The board is proposing to amend the purpose and section (1).

*PURPOSE: This proposed amendment is updating inspection frequency to correspond with Section 5 of the **Grade “A” Pasteurized Milk Ordinance (PMO)**, 2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

(1) Each dairy farm, milk plant, receiving station, transfer station, and milk distributor whose milk or milk products are intended for consumption within Missouri or its jurisdiction and each milk hauler who collects samples of raw milk for pasteurization, for bacterial, chemical, or temperature standards and hauls milk from a dairy farm to a milk plant, transfer station, or receiving station and bulk milk pick-up tanker and its appurtenances shall be inspected by the regulatory agency prior to the issuance of a permit. Following the issuance of a permit, each bulk milk pick-up tanker **shall be inspected at least once every twelve (12) months**, milk hauler **shall be inspected at least once every twenty-four (24) months**, dairy farm, milk distributor, and transfer station shall be inspected at least once every six (6) months. Each milk plant and receiving station shall be inspected at least once every three (3) months. Should the violation of any requirement, set forth in 2 CSR 80-2.070 (Section 7 of the PMO), or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO), be found to exist on an inspection, a second inspection shall be required after the time deemed necessary to remedy the violation, but not before three (3) days; this second inspection shall be used to determine compliance with the requirements of 2 CSR 80-2.070 (Section 7 of the PMO) or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO). Any violation of the same requirement of 2 CSR 80-2.070 (Section 7 of the PMO), or in the case of a milk hauler 2 CSR 80-2.060 also (Section 6 of the PMO) on the second inspection shall call for permit suspension in accordance with 2 CSR 80-2.030 (Section 3 of the PMO), court action, or both. Additionally, flagrant violations on the part of a hauler such as fraudulent practices, intentional adulteration, or any action adversely affecting the integrity of producer milk samples shall result in immediate permit suspension in accordance with 2 CSR 80-2.030 (Section 3 of the PMO), court action, or both.

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 23, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 5—Inspections

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is proposing to amend the purpose and section (1).

PURPOSE: This amendment updates the fiscal year for the inspection fee.

*PURPOSE: This rule complies with section 196.945, RSMo, to set inspection fees for Fiscal Year [2013] **2014** for milk produced on farms inspected by the State Milk Board and milk imported from points beyond the limits of routine inspection.*

(1) The inspection fee for Fiscal Year [2013] **2014** (July 1, [2012] **2013**–June 30, [2013] **2014**) shall be four [and a half] cents (4[. 5]¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 23, 2013.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with State Milk Board at 1616 Missouri Boulevard Jefferson City, MO 65109. To be considered comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for October 8, 2013 from 10–11 a.m. at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.010 General Provisions. The commission is amending the title of the chapter and sections (1), (3), and (4).

PURPOSE: This rule is amended to add sewer utilities to the rule, clarify and eliminate inconsistencies in order to improve the operation of the rule.

(1) This chapter applies to residential utility service provided by all electric, gas, **sewer**, and water public utilities, referred to in this chapter as utilities, which are subject to the jurisdiction of the Public Service Commission under the laws of the state.

(3) **Use of [T]he informal [procedures] process** contained in these rules shall not constitute a formal complaint as defined in 4 CSR 240-2.070.

(4) A utility shall adopt rules governing its relations with customers and applicants for service which are consistent with this chapter. The rules shall be part of a utility's tariffs **and shall be consistent with this chapter**. Any tariff revisions, if required to comply with this chapter or to reflect any variances *[therefrom]* previously granted by the commission, shall be filed by the utility within ninety (90) days of the effective date of this rule. Once such revised tariffs become effective, the utility's tariffs shall be deemed to be in full compliance with this chapter.

AUTHORITY: sections 386.250(6)[, RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.015 Definitions. The commission is amending the title of the chapter and section (1).

PURPOSE: This rule is amended to clarify and update definitions used in this chapter.

(1) The following definitions shall apply to this chapter:

(A) Applicant means an individual(s) or other legal entity who has applied to receive residential service *[from the utility]*. Upon initiation of service, the applicant becomes a customer;

(B) Bill means a written demand, including, if agreed to by the

customer and the utility, an electronic demand for payment for service or equipment and the taxes, surcharges, and franchise fees *[related to it]*;

(E) Corrected bill means any bill issued for a previously rendered bill;

(F) Credit score means a score, grade, or value that is derived by using data from a nationally known commercial credit source that uses data from a credit history model developed for the purpose of grading or ranking credit report data;

[(E)](G) Customer means a person or legal entity responsible for payment for service, except one denoted as a guarantor;

[(F)](H) Cycle billing means a system which results in the rendition of bills to various customers on different days of a month;

[(G)](I) Delinquent charge means a charge *[remaining]* for utility service that remains unpaid *[by a monthly billed customer]* for at least twenty-one (21) days for a monthly-billed customer and for at least sixteen (16) days by a quarterly billed customer from the *[rendition of]* date the utility renders the bill *[by the utility]*, or a charge remaining unpaid after the preferred payment date selected by the customer;

[(H)](J) Delinquent date means the date stated on a bill, which shall be at least twenty-one (21) days for a monthly billed customer, and at least sixteen (16) days for a quarterly billed customer from the rendition date of the bill or *[which shall be]* the preferred payment *[plan]* date selected by the customer, after which the utility may assess a *[n]* commission approved late payment charge in accordance with *[a]* the utility's tariff on file with the commission;

[(I)](K) Denial of service means the utility's refusal to commence service upon an applicant's request for service at a particular location;

[(J)](L) Deposit means a money advance to a utility for the purpose of securing payment of delinquent charges which might accrue to the customer who made the advance;

[(K)](M) Discontinuance of service or discontinuance means a cessation of service not requested by a customer;

[(L)](N) Due date means the date stated on a bill when the charge is considered due and payable;

[(M)](O) Estimated bill means a charge for utility service which is not based on an actual reading of the meter or other registering device by an authorized utility representative;

[(N)] Extension agreement means a verbal agreement between the utility and the customer extending payment for fifteen (15) days or less;

(P) Final bill means a bill rendered for services through the final date of service;

[(O)](Q) Guarantee means a written promise from a third party to assume liability up to a specified amount for delinquent charges which might accrue to a particular customer;

(R) Initial bill means the first bill rendered by a utility for a customer's service;

[(P)](S) In dispute means *[any matter regarding a charge or service which is the subject of an unresolved inquiry]* to question and request examination of the validity of utility bills or services rendered;

(T) Inquiry means a question or request for information related to utility service, billing practices and procedures, payment, service, or safety responsibilities;

[(Q)](U) Late payment charge means an assessment on a delinquent charge in accordance with a utility tariff on file with the commission and in addition to the delinquent charge;

(V) Payment means cash, draft, or electronic transfer;

(W) Payment agreement means a payment plan entered into by a customer and a utility which remains in effect as long as its terms are being adhered to for the term of the agreement, which shall not exceed twelve (12) months duration, unless the customer and utility agree to a longer period;

[(R)](X) Preferred payment date plan means a commission-approved plan offered at the utility's option in which the delinquent date for the charges stated on a bill shall occur on the same day during each billing period as selected by the customer;

[(S)](Y) Purchased gas adjustment (PGA) clause means the adjustment procedure approved by the commission to recognize variations in the cost of purchased gas;

[(T)](Z) Rendition of a bill *[means] occurs on the [mailing or hand delivery of a bill by a utility to a customer] date mailed, sent electronically, or hand delivered;*

[(U)](AA) Residential service or service means the provision of or use of a utility service for domestic purposes;

[(V)](BB) Seasonally billed customer means a residential customer billed on a seasonal basis in accordance with a utility tariff on file with the commission;

[(W)](CC) Settlement agreement means an agreement between a customer and a utility which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period;

[(X)](DD) Tariff means a schedule of rates, services, and rules **describing a utility's service, filed by a utility and approved by [the] commission order or operation of law;**

[(Y)](EE) Termination of service or termination means a cessation of service requested by a customer;

[(Z)](FF) Utility means an electric, gas, **sewer**, or water corporation as those terms are defined in section 386.020, RSMo; and

[(AA)](GG) Utility charges mean[s] the rates for utility service and other charges authorized by the commission *[as an integral part of utility service].*

AUTHORITY: sections 386.250(6) and 393.140(II), RSMo 2000. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed March 24, 2004, effective Oct. 30, 2004. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.020 Billing and Payment Standards. The commission is amending the title of the chapter, purpose statement, and sections (1), (2), (3), (5), (8), (9), (11), and (12).

PURPOSE: This rule is amended to add sewer utilities and to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.

PURPOSE: This rule establishes reasonable and uniform billing and payment standards for residential service to be observed by utilities and customers.

(1) A utility shall normally render a bill for each billing period to every residential customer in accordance with its **approved** tariff.

(2) Each billing statement rendered by a utility shall be computed on the actual usage during the billing period except as follows:

(A) A utility may render a bill based on estimated usage—

1. To seasonally billed customers, provided **that an [appropriate] approved tariff reflecting seasonal estimation** is on file with the commission and an actual reading is obtained before each change in the seasonal cycle;

2. When extreme weather conditions, emergencies, labor agreements, or work stoppages prevent actual meter readings; *[and]*

3. When the utility is unable to obtain a meter reading for reasons beyond the utility's reasonable control, including an inability to access *[to]* the customer's premises *[for the purpose of reading the meter or when the customer makes reading the meter unnecessarily difficult]* as necessary. If the utility is unable to obtain an actual correct meter reading for these reasons, where *[practicable]* necessary it shall undertake reasonable alternatives to obtain a customer reading of the meter, *[such as]* for example mailing or leaving postpaid, preaddressed postcards upon which the customer may note the reading unless the customer requests otherwise;

4. When the utility does not obtain an accurate or correct meter reading due to equipment or mechanical failure, when the company could not reasonably detect such failure given variability in usage at that customer location;

5. When a utility is unable to accurately obtain a meter reading due to human or billing system error;

6. When the utility does not obtain an accurate or correct meter reading due to equipment or mechanical failure, including a remote meter reading device's failure to transmit a reliable reading; and

7. When the utility does not obtain an accurate or correct meter reading due to failure to detect and verify usage at the customer's location, i.e., vacant with usage;

(B) A utility shall not render a bill based on estimated usage for more than three (3) consecutive billing periods or one (1) year, whichever is less, except under conditions described in *[subsection] paragraphs (2)(A)1.–(2)(A)4.* of this rule;

(C) *[Under no circumstances shall]* When a utility renders a bill based on estimated usage~~—~~, it shall comply with the following:

1. *[Unless the estimating procedures employed by the utility and any substantive changes to those procedures have been approved by the commission]* A utility that has an estimating procedure in its filed and commission-approved tariffs shall follow that estimating procedure;

2. A utility that does not have an approved estimating procedure shall base the estimate on that customer's historical average usage at the same premises for the same billing periods during

any or all of the past three (3) years for which actual usage data is available. In the event the customer was provided utility service at the premises for less than one (1) year, then the estimate shall be based on usage from the average of the customer's actual usage for the previous three (3) billing periods. If the customer has not had utility service for three (3) billing periods or if actual usage during that time is not available, the utility shall base the estimate on the average usage of available actual usage data for the months the customer has had utility service. In cases where no prior actual usage information is available or the prior usage is estimated and cannot be determined by subsequent actual meter readings, the utility shall base the estimate upon average usage of similarly situated customers;

[2./3. *[As]* A utility shall not estimate a customer's initial or final bill for service, unless conditions beyond the control of the utility prevent an actual meter reading[;]. In such cases, if and when actual meter readings become available, the utility shall adjust the initial or final bill by issuing a bill for additional charge, or refund, as appropriate;

[(D) When a utility renders an estimated bill in accordance with these rules, it shall—]

[1./4. A utility shall *[M]* maintain accurate records of the reasons for the estimated bill and *[the]* all efforts made to secure an actual reading;

[2./5. A utility shall *[C]* clearly and conspicuously note on the bill that it is based on estimated usage; and

[3./6. Use customer-supplied readings, whenever *[possible]* viable (i.e., in line with prior usage or seasonal usage), to determine usage; and

(D) A water utility or sewer utility may render bills for service based on a flat rate if authorized by its commission-approved tariff. Flat rate bills may be rendered in advance for service being provided, if so authorized by its filed tariff.

[(E) When a utility underestimates a customer's usage, the customer shall be given the opportunity, if requested, to make payment in installments.]

(3) If a utility is unable to obtain an actual meter reading for three (3) consecutive billing periods, the utility shall advise the customer by first class mail or personal delivery that the bills being rendered are estimated, that estimation may not reflect the actual usage, and that the customer may read and report their electric, gas, sewer, or water usage to the utility on a regular basis. *[The]* A utility shall explain to the customer the procedure by which this reading and reporting may be initiated *[shall be explained]*. At least annually, a utility shall attempt to secure an actual meter reading from customers who are reporting their own usage *[at least annually]*, except for quarterly-billing utilities in which case it shall be every two (2) years. These attempts shall include personal contact with the customer to advise the customer of the regular meter reading day. The utility shall offer appointments for meter readings on Saturday or prior to 9:00 p.m. on weekdays. The utility's obligation to make appointments shall begin only after a tariff, *[for]* describing the appointment/s/ process, has been filed with and approved by the commission. Discontinuance of the service of a customer who is reading and reporting usage on a regular basis because of inability to secure an actual meter reading shall not be required.

(5) Notwithstanding section (2) of this rule, a utility may bill its customers in accordance with equal payment billing programs at the election of the utility customer, provided the equal payment billing program tariff has been previously approved by the commission.

(8) A utility shall not assess an additional charge upon a customer by reason of the customer's failure to pay any balance due and owing prior to the delinquent date unless this additional charge has been approved by the commission as a part of the utility's *[rate]* commission-approved tariffs.

(9) Every bill for residential utility service shall clearly state—

(C) Any previous balance which states the balance due for utility charges separately from charges for services not subject to commission jurisdiction;

(D) The amount due for the most recent billing period for electric, gas, sewer, or water usage, stated separately from the amount due for the same period for a deposit and the amount due for the same period for service not subject to commission jurisdiction;

(11) A utility may include charges for special services together with utility charges on the same bill if the charges for special services are designated clearly and separately from utility charges. If partial payment is made, the utility shall first credit all payments to the balance outstanding for gas, electric, sewer, or water charges, before crediting a deposit.

(12) During the billing period prior to any tariffed seasonal rate change, a utility shall notify each affected customer, on the bill or on a notice accompanying the bill, of the *[direction]* expected effect of the upcoming seasonal rate change on the customer's bill and the months during which the forthcoming seasonal rate will be in effect.

AUTHORITY: sections 386.250(6)[, RSMo Supp. 1991] and 393.140(11), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.025 Billing Adjustments. The commission is amending the title of the chapter, purpose statement, and section (1).

PURPOSE: This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.

PURPOSE: This rule establishes the requirements for making billing adjustments in the event of an overcharge or an undercharge.

(1) For all billing errors, the utility will determine from all related and available information the probable period during which *[this/ the condition causing the errors]* existed and shall make billing adjustments for *[the estimated]* that period *[involved]* as follows:

(C) In the event of an undercharge, the utility shall offer the customer the option to pay the adjusted bill over a period at least double the period covered by the adjusted bill;

[(C)](D) No billing adjustment *[will]* shall be made *[where]* if the full amount of the adjustment is less than one dollar (\$1);

[(D)](E) *[Where]* No billing adjustment shall be made if, upon test, an error in measurement is found to be within the limits prescribed by commission rules, *[no billing adjustment will be made]*; and

[(E)](F) *[When]* If evidence of tampering is found, or *[there are]* if the customer has made misrepresentations of the use of service *[by the customer]*, the utility *[will]* shall calculate the billing adjustment period in accordance with the applicable statute of limitations for the prosecution of such claim after determining the probable period during which such condition existed from all related and available information.

AUTHORITY: section 393.140(II), RSMo [1986] 2000. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.030 Deposits and Guarantees of Payment. The commission is amending the title of the chapter, sections (1), (2), (4), and (6), and adding section (7).

PURPOSE: This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.

(1) A utility may require a deposit or other guarantee as a condition of new residential service if—

(A) The *[customer]* applicant has *[outstanding with a utility providing the same type of service,]* an unpaid bill, which accrued within the last five (5) years and, at the time of the request for service, remains unpaid and not in dispute with a utility for the provision of the same type of service;

(B) The *[customer]* applicant has, in an unauthorized manner, within the last five (5) years prior to applying for service, interfered with or diverted the service of a utility *[providing]* in the provision of the same type of service *[situated on or about or delivered to the customer's premises within the last five (5) years];* or

(C) The *[customer]* applicant is unable to establish an acceptable credit rating under standards contained in *[tariffs filed with and approved by the]* the utility's commission-approved tariffs. *[The customer]* If the applicant has insufficient credit history to determine a credit score, then the applicant shall be deemed *[prima facie]* to have established an acceptable credit rating if the customer meets any of the following criteria:

1. Owns or is purchasing a home;
2. Is and has been regularly employed on a full-time basis for at least one (1) year;
3. Has a *[adequate]* regular source of income; or
4. Can provide adequate credit references from a commercial credit source.

(2) A utility may require a deposit or guarantee as a condition of continu~~ed~~*ing* or re-establishing residential service if—

(A) The service of the customer has been discontinued by the utility for nonpayment of a delinquent account not in dispute; or

(B) *[In an unauthorized manner, t]*The customer has interfered with, *[or]* diverted *[the service of the]* or, in an unauthorized manner, used utility *[situated on or about or]* service delivered to the customer's premises; or

(C) The customer has failed to pay an undisputed bill on or before the delinquent date for five (5) billing periods out of twelve (12) consecutive monthly billing periods, or two (2) quarters out of four (4) consecutive quarters. Prior to requiring a customer to post a deposit under this subsection, the utility shall send the customer a written notice explaining the utility's right to require a deposit or include such explanation with each written discontinuance notice. **Notwithstanding the foregoing; that such customer has consistently made a payment for each month during the twelve (12) consecutive months, provided that each payment is made by the delinquent date; and each payment made is at least seventy-five dollars (\$75) or twenty-five percent (25%) of the total outstanding balance, provided that the total outstanding balance is three hundred dollars (\$300) or less. This provision shall not apply to any customer whose total outstanding balance exceeds three hundred dollars (\$300) or to any customer making payments under a payment plan previously arranged with the utility.**

(4) A deposit shall be subject to the following terms:

(A) It shall not exceed two (2) times the highest bill or **four (4) times the average bill, whichever is stated in the utility's tariff** for utility charges actually incurred or estimated to be incurred by the customer during the most proximate twelve (12)-month period at the service location or, in the case of a new customer, who is assessed a deposit under subsection (1)(C) of this rule, one-sixth (1/6) of the

estimated annual bill for monthly billed customers *[and]* or one-third (1/3) of the estimated annual bill for quarterly billed customers for utility charges at the requested service location;

(B) It shall bear interest at a rate specified in *[utility tariffs, approved by]* the utility's commission-approved tariffs, which shall be credited annually *[upon]* to the account of the customer or paid upon the return of the deposit **to the customer**, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. *[Records]* **The utility shall *[be kept]* keep records** of efforts to return a deposit. This rule shall not preclude a utility from crediting interest *[upon]* to each service account during one (1) billing cycle annually;

(F) Each customer posting a security deposit shall receive, in writing, at the time of tender of deposit or with the first bill a receipt as evidence of deposit, unless the utility shows the existence or nonexistence of a deposit on the customer's bill, in which event the receipt shall not be required unless requested by the customer. The receipt shall contain the following minimum information:

1. Name of customer;
2. Date of payment;
3. Amount of payment;
4. Identifiable name, signature, and title of the utility employee **who receiv/ingled the payment;** and
5. Statement of the terms and conditions governing the payment, retention, and return of deposits;

(G) A utility shall *[provide means where]* **not deprive a *[person entitled to a return]* customer** of a deposit *[is not deprived of]* **return within five (5) years following the date that the customer is due for a *[the]* deposit *[refund]* return**, even though *[s/he] the customer* may be unable to produce the original receipt *[for the deposit];* provided~~/~~, *s/he* **that the customer** can produce adequate identification *[to ensure that s/he is the customer entitled to refund of the deposit];*

(I) A utility shall *[provide means where a]* **permit an applicant or customer** required to make a deposit *[may]* to pay the deposit in installments unless the utility can show—

1. **Applicant has in an unauthorized manner, interfered with, or diverted the same type of service within the last five (5) years; or**
2. **If a customer has in an unauthorized manner interfered with, diverted, or used the service of the utility situated on or about or delivered to the customer's premises; or**
3. *[a]***A likelihood that the customer does not intend to pay for the service.**

(6) A guarantor shall be released upon satisfactory payment of all undisputed utility charges during the last twelve (12) billing months. Payment of a charge is satisfactory if received prior to the date upon which the charge becomes delinquent, provided it is not in dispute. Payment of a disputed bill shall be satisfactory if made within ten (10) days of resolution or withdrawal of the dispute.

(7) A sewer utility shall not require a deposit for flat rate billing to a customer for residential service that is rendered in advance of service being provided.

AUTHORITY: sections 386.250(6)[, RSMo Supp. 1991] and 393.140(1), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Amended: Filed June 10, 1992, effective Feb. 26, 1993. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.035 Denial of Service. The commission is amending the title of the chapter, purpose statement, and sections (1) and (2), and deleting section (6).

PURPOSE: This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.

*PURPOSE: This rule prescribes conditions under which utilities may refuse to commence service to an applicant for residential service and establishes procedures to be followed by utilities to insure reasonable and uniform standards exist for *[the]* denial of service. This rule also protects an applicant(s) at the time of their application, from being required to pay for the bills incurred by other individuals for service from which the applicant(s) did not receive substantial benefit.*

(1) When the utility refuses to provide service to an applicant for service, the utility shall inform the applicant verbally, if recorded and retained, or written upon applicant request, unless otherwise specified *[A]*a utility may refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay *a*~~n undisputed~~/ delinquent utility charge for services provided by that utility or by its regulated affiliate~~/~~. *To be considered to be disputed, the unpaid charge must be the/ that is not* subject *[of an open informal complaint at the commission]* **to dispute under 4 CSR 240-13.045.**

(C) Refusal or failure to permit inspection, maintenance, replacement, or meter reading of utility equipment. If the applicant does not provide access to the utility for such purposes, the utility shall provide notice to the applicant regarding its need for inspection, maintenance,

replacement, or meter reading of utility equipment and shall maintain an accurate record of the notice provided.

1. The notice shall include one (1) of the following:

- A. Written notice by first class mail sent to the applicant; or
- B. Written notice delivered in hand to the applicant; or

C. At least two (2) telephone call attempts reasonably calculated to reach the applicant; *[or]*

D. *[Written notice in the form of a door hanger left at the applicant's premises.]* **Written notification regarding refusal to provide service.**

2. The notice **or information provided** shall contain the following information:

A. The name and address of the applicant and the address where service is being requested;

B. How the applicant may comply with the requirements to have service connected;

C. A telephone number the applicant may call from the service location without incurring toll charges and the address of the utility prominently displayed where the applicant may make an inquiry;

D. A statement in Spanish either:*—*

(I) Advising the applicant that if they do not read English, to ask someone who does to translate the notice for them; or

(II) Advising the applicant to call the utility for assistance if the utility provides telephone assistance in Spanish;

E. If the applicant is unable to resolve the matter satisfactorily with the utility, they may contact the Public Service Commission;

(E) Violation of any other rules of the utility's *[approved by the]* commission-**approved tariffs**, which adversely affects the safety of the *[customer]* **applicant**, or other persons, or the integrity of the utility's system;

(G) Failure of a previous owner or occupant of the premises to pay *[a]* delinquent utility charges where the previous owner or occupant remains an occupant;

(I) Unauthorized **use**, interference, **or** diversion *[of use]* of the utility's service by the applicant, or by a previous owner or occupant who remains an occupant.

(2) A utility *[may]* **shall** not refuse to commence service to an applicant for any of the following reasons:

(A) Failure to pay for merchandise, appliances, or services not subject to commission jurisdiction as an integral part of the utility service provided by a utility;

(B) Failure to pay the bill of another customer, unless the applicant who is seeking service received substantial benefit and use of the service to that customer, or unless the applicant is the legal guarantor for a delinquent bill. In this instance, the utility refusing to commence service, shall have the burden of proof to show that the applicant received substantial benefit and use of the service, or that the applicant is the legal guarantor, provided that such burden shall not apply if the applicant refuses to cooperate in providing or obtaining information *[she/he/it does]* **the applicant has** or should have regarding the applicant's residence history. To meet that burden the utility must have reliable evidence that:*—*

1. The applicant and that customer resided together at the premises where the bill was incurred and during the period the bill was incurred; and

2. The bill was incurred within the last seven (7) years; and

3. The utility has attempted to collect the unpaid bill from the customer of record; and

4. At the time of the **applicant(s)** request for service, the bill remains unpaid and not in dispute.

[(6) The requirements of the rule shall be implemented by the utility no later than November 1, 2004.]

AUTHORITY: sections 386.250(6), [and] 393.140(II), [RSMo 2000]

and 393.130(1), RSMo [Supp. 2003] 2000. Original rule filed Nov. 3, 2003, effective May 30, 2004. Amended: Filed Aug. 1, 2013.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.040 Inquiries. The commission is amending the title of the chapter, purpose statement, and sections (1), (2), (3), (4), and (5).

PURPOSE: *This rule is amended to clarify the expectation for both the customer and utility to follow when customers make inquiries.*

PURPOSE: *This rule establishes procedures to be followed when customers make inquiries of utilities so [the] customer inquiries are handled in a reasonable manner.*

(1) A utility shall adopt procedures which *[will]* **shall** ensure the prompt *[and]* **receipt**, thorough *[receipt,]* investigation and, where possible, **mutually acceptable** resolution of **customer** inquiries. The utility shall submit the procedures to the commission **for approval** and the utility shall notify the commission and the public counsel of any substantive changes in these procedures prior to implementation.

(2) A utility shall establish personnel procedures which, at a minimum, *[i]*ensure that—

(A) **At all times during normal business hours** *[Q]*qualified personnel shall be available and prepared *[at all times during normal business hours]* to receive and respond to all customer inquiries, service requests, **safety concerns**, and complaints. A utility shall

make necessary arrangements to *[i]ensure* that customers unable to communicate in the English language receive assistance;

(B) **At all times during normal business hours**, */Q/*qualified personnel responsible for and authorized to enter into written agreements on behalf of the utility shall be available *[at all times during normal business hours]* to respond to customer inquiries and complaints;

(C) Qualified personnel shall be available at all times to receive and initiate response to customer contacts regarding any discontinuance of service or **an emergency condition related to the utility's operations** occurring within the utility's service area; and

(3) A utility shall prepare, in written form, information **in plain language**, which *[in layman's terms]* summarizes the rights and responsibilities of the utility and its customers in accordance with this chapter. The form shall be submitted to the consumer services department of the *[Missouri Public Service C]commission*, and to the Office of the Public Counsel. This written information shall be displayed prominently, and shall be available at all utility office locations open to the general public, and shall be mailed or otherwise delivered to each **of the utility's** residential customers *[of the utility if requested by the customer]* **upon request**. The information shall be delivered or mailed to each new customer of the utility upon the commencement of service and shall be available at all times upon request. The written information shall indicate conspicuously that it is being provided in accordance with the rules of the commission, and shall contain information concerning, but not limited to~~:/~~—

(J) The telephone number and address of a customer services office of the Missouri Public Service Commission, the commission's **/800/ toll-free** telephone number, and the statement that the company is regulated by the Missouri Public Service Commission;

(K) The address and telephone number of the Office of Public Counsel (**OPC**) and **OPC's toll-free telephone number**, and a statement of the function of that office; and

(L) If the utility is a gas distribution company, an explanation of the function of the purchased gas adjustment clause. **If the utility is an electric company authorized to utilize a fuel adjustment clause, an explanation of the fuel adjustment clause.**

(4) At all of its public business offices, a utility shall make available for public inspection a copy of this chapter and the utility's tariffs. At these **business** offices, conspicuous signs shall be posted which indicate that this information is available for public inspection.

(5) A utility shall maintain records on its customers for at least two (2) years which contain **all** information concerning~~:/~~—

(D) The actual number of discontinuances of service due to each of the following categories of reasons:

1. The customer's failure to *[keep]* **comply with** a settlement agreement or cold weather rule payment agreement;
2. The customer's failure to make any other required utility payment;
3. Unauthorized interference, diversion or use of utility service; and
4. All other reasons combined.

(F) **Actual number and amounts of /R/**refunds of deposits.

AUTHORITY: sections 386.250(6)[, RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.045 Disputes. The commission is amending the title of the chapter and sections (2), (6), and (10).

PURPOSE: This rule is amended to update the rule to clarify and eliminate inconsistencies in order to improve the operation of the rule.

(2) When an **applicant or** customer advises a utility that all or part of a charge is in dispute, the utility shall record the date, time, and place the contact is made; investigate the contact promptly and thoroughly; and attempt to resolve the dispute in a manner satisfactory to both parties.

(6) If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the utility~~], at the utility's option,~~ **the lesser of** an amount not to exceed fifty percent (50%) of the charge in dispute or an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute.

(10) A utility *[may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already determined and]* is not required to comply with these rules *[more than once]* prior to the discontinuance of service **where the dispute registered with the utility involves the same customer, the same facts, and the same question regarding the validity of a charge as those involved in a prior informal or formal complaint filed by the customer and resolved in favor of the utility.**

AUTHORITY: sections 386.250(6), [RSMo Supp. 1991] and 393.140(II), RSMo [1986] 2000. Original rule filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.050 Discontinuance of Service. The commission is amending the title of the chapter, amending sections (1)–(3), adding section (4), renumbering section (8), and amending and renumbering sections (4)–(7) and (9)–(11).

PURPOSE: *This rule is amended to add sewer utilities and to update the rule to incorporate current technology. This rule will also clarify and provide forms for and terms of discontinuance or reconnection of service due to medical reasons and to eliminate inconsistencies in order to improve the operation of the rule.*

(1) Service may be discontinued for any of the following reasons:

(C) **Water service may be discontinued for nonpayment of a bill for sewer service, either provided by the water utility if it is also the sewer utility, or by the terms of a contract between the water utility and any sewer provider;**

[(C)](D) Unauthorized use, interference, or diversion [or use] of the utility service situated or delivered on or about the customer's premises;

[(D)](E) Failure to comply with terms of a settlement agreement;

[(E)](F) Refusal after reasonable notice to permit inspection, maintenance, replacement, or meter reading of utility equipment. If the utility has a reasonable belief that health or safety is at risk, notice at the time inspection is attempted is reasonable;

[(F)](G) Misrepresentation of identity in obtaining utility service;

[(G)](H) Violation of any other rules of the utility approved by the commission which adversely affects the safety of the customer or other persons or the integrity of the utility's system; or

[(H)](I) As provided by state or federal law.

(2) None of the following shall constitute sufficient cause for a utility to discontinue service:

(D) The failure to pay the bill of another customer, unless the customer whose service is sought to be discontinued received substantial benefit and use of the service **billed to the other customer;**

(3) On the date specified on the notice of discontinuance or within [eleven (11) business] **thirty (30) calendar** days after that, and subject to the requirements of these rules, a utility may discontinue service to a residential customer between the hours of [8/7:00 a.m. and 4/7:00 p.m. **provided the utility is accessible to receive a restoration of service request at least one (1) hour after the disconnect time frame.** Service shall not be discontinued on a day when utility personnel are not available to reconnect the customer's service, or on a day immediately preceding such a day. After the [eleven (11) business] **thirty (30) calendar** day effective period of the notice, all notice procedures required by this rule shall again be followed before the utility may discontinue service.

(4) **Electronic notice may be sent to the customer if the customer has provided prior authorization to the utility to provide billing and notices electronically in place of any written and verbal notices; however, the utility shall provide at least one (1) written notification ninety-six (96) hours prior to discontinuance or by phone call twenty-four (24) hours prior to discontinuance of service.**

[(4)](5) The notice of discontinuance shall contain the following information:

(A) The name and address of the customer and the address, if different, where service is rendered;

(B) A statement of the reason for the proposed discontinuance of service and the cost for reconnection;

(C) The date on or after which service will be discontinued unless appropriate action is taken;

(D) How a customer may avoid the discontinuance;

(E) The possibility of a [settlement] **payment** agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one (1) time; and

(F) A telephone number the customer may call from the service location without incurring toll charges and the address of the utility prominently displayed where the customer may make an inquiry. Charges for measured local service are not toll charges for purposes of this rule.

[(5)](6) **An electric, gas, or water** utility shall not discontinue residential service pursuant to section (1) unless written notice by first class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a utility may deliver a written notice in hand to the customer at least ninety-six (96) hours prior to discontinuance. **Except, a water utility shall not be required to provide notice when discontinuing water service for nonpayment of sewer bill by the terms of a contract between the water utility and any sewer provider, when the sewer provider has duly issued notice of discontinuance of service to its customer. A sewer utility shall not discontinue residential sewer service pursuant to section (1) unless written notice by certified mail return receipt requested is sent to the customer at least thirty (30) days prior to the date of the proposed discontinuance; except:**

(A) **A water utility that is also a sewer utility and issues combined water and sewer billing may discontinue residential water service for nonpayment of the portion of a bill that is for residential sewer service after sending notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96)**

hours prior to the proposed water discontinuance, as provided above, in lieu of providing specific notice of discontinuance of sewer service;

(B) A water utility may discontinue residential water service for nonpayment of a bill for residential sewer service from any sewer provider, by the terms of a contract between the water utility and any sewer provider, if the water utility issues sewer billing on behalf of the sewer provider combined with its water billing, after providing notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer provider sending any notice to the customer;

(C) A sewer utility may discontinue residential sewer service by arranging for discontinuance of water service with any water provider, by the terms of a contract between the sewer utility and the water provider, if the water provider issues combined water and sewer billing, after the water provider provides notice by first class mail at least ten (10) days prior to the date of the proposed water discontinuance, or hand-delivered notice at least ninety-six (96) hours prior to the proposed water discontinuance, as provided above, in lieu of the sewer utility sending any notice to the customer.

(7) A utility shall maintain an accurate record of the date of mailing or delivery. A notice of discontinuance of service shall not be issued as to that portion of a bill which is determined to be an amount in dispute pursuant to sections 4 CSR 240-13.045(5) or (6) that is currently the subject of a dispute pending with the utility or complaint before the commission, nor shall such a notice be issued as to any bill or portion of a bill which is the subject of a settlement agreement except after breach of a settlement agreement, unless the utility inadvertently issues the notice, in which case the utility shall take necessary steps to withdraw or cancel this notice.

[(6)](8) Notice shall be provided as follows:

(A) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building at which usage is measured by a single meter, notices of the company's intent to discontinue shall be conspicuously posted in public areas of the building; provided, however, that these notices shall not be required if the utility is not aware that the structure is a single-metered multidwelling unit residential building. The notices shall include the date on or after which discontinuance may occur and advise of tenant rights pursuant to section 441.650, RSMo. The utility shall not be required to provide notice in individual situations where safety of employees is a consideration.

(B) At least ten (10) days prior to discontinuance of service for nonpayment of a bill or deposit at a multidwelling unit residential building where each unit is individually metered and for which a single customer is responsible for payment for service to all units in the building or at a residence in which the occupant using utility service is not the utility's customer, the utility shall give the occupant(s) written notice of the utility's intent to discontinue service; provided, however, that this notice shall not be required unless one (1) occupant has advised the utility or the utility is otherwise aware that s/he is not the customer; and

(C) In the case of a multidwelling unit residential building where each unit is individually metered or in the case of a single family residence, the notice provided to the occupant of the unit about to be discontinued shall outline the procedure by which the occupant may apply in his/her name for service of the same character presently received through that meter.

(D) In the case of a multidwelling unit residential building where each unit is individually metered and the utility seeks to discontinue service for any lawful reason to at least one (1), but not all of the units in the building, and access to a meter that is subject to discontinuance is restricted, such as where the meter

is located within the building, the utility may send written notice to the owner/landlord of the building, unit(s) or the owner/landlord's agent (owner) requesting the owner to make arrangements with the utility to provide the utility access to such meter(s). If within ten (10) days of receipt of the notice, the owner fails to make reasonable arrangements to provide the utility access to such meter(s) within thirty (30) days of the date of the notice, or if the owner fails to keep such arrangements, the utility shall have the right to gain access to its meter(s) for the purpose of discontinuing utility service at the owner's expense. Such expenses may include, but shall not be limited to, costs to pursue court-ordered access to the building, such as legal fees, court costs, sheriff's law enforcement fees, security costs, and locksmith charges. The utility's right to collect the costs for entry to its meter will not be permitted if the utility fails to meet the obligation to keep the access arrangements agreed upon between owner and the utility. Notice by the utility under this section shall inform owner a) of the utility's need to gain access to its meter(s) to discontinue utility service to one or more tenants in the building, and b) of the owner's liability in the event that owner fails to make or keep access arrangements. The notice shall state the utility's normal business hours. The utility shall render one (1) or more statements to the owner for any amounts due to the utility under this section. Any such statement shall be payable by the delinquent date stated thereon, and shall be subject to late payment charges at the same rate provided in the utility's tariff pertaining to general residential service.

[(7)](9) At least twenty-four (24) hours preceding [a] discontinuance, a utility shall make reasonable efforts to contact the customer to advise [him/her] the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a doorhanger or at least two (2) telephone call attempts reasonably calculated to reach the customer.

[(8)](10) Immediately preceding the discontinuance of service, the employee of the utility designated to perform this function, except where the safety of the employee is endangered, shall make a reasonable effort to contact and identify him/herself to the customer or a responsible person then upon the premises and shall announce the purpose of his/her presence. When service is discontinued, the employee shall leave a notice upon the premises in a manner conspicuous to the customer that service has been discontinued and the address and telephone number of the utility where the customer may arrange to have service restored.

[(9)](11) Notwithstanding any other provision of this rule, [a utility shall postpone a discontinuance for a time not in excess of twenty-one (21) days if the discontinuance will aggravate an existing medical emergency of the customer, a member of his/her family or other permanent resident of the premises where service is rendered. Any person who alleges a medical emergency, if requested, shall provide the utility with reasonable evidence of the necessity.] each utility must defer discontinuance of service or reconnect service under the following terms and conditions.

(A) The utility shall honor a physician's certificate, or a physician's letter on physician's letterhead providing the same information as requested in the physician's certificate, included herein, which attests to the fact that a residential utility customer or any other permanent resident of the household has a serious medical condition, and clearly states that the discontinuance of that utility's service would rapidly either give rise to a substantial risk of death or gravely impair the health of that person.

(B) A physician, nurse, nurse practitioner, physician's assistant, or other licensed health care professional employed by a public or private agency providing physical or mental health care

service may notify the utility in person, by telephone, by fax, or by letter that the serious medical condition exists and that discontinuance of that utility's service would rapidly either give rise to a substantial risk of death or gravely impair the health of the residential utility customer or other permanent household resident. If that notice does not meet the requirements of subsection (11)(A), then the utility must inform the health care professional that a physician's certificate or physician's letter as set forth in subsection (11)(A) is required within fourteen (14) calendar days. The utility may verify notice given by telephone or fax.

(C) When notified under subsection (11)(B), a utility shall postpone discontinuance of service for not less than fourteen (14) days, pending receipt of the subsection (11)(A) notice. When notified under subsection (11)(A), a utility shall postpone discontinuance of service, or continue such postponement, for a total of twenty-eight (28) days from the later of i) the date set for discontinuance of service, or ii) the date the utility first received notice under either subsection (11)(A) or (11)(B).

(D) If the utility receives a notice within fourteen (14) days after service was discontinued, the utility shall attempt to reconnect service the same day. If the notice is a subsection (11)(A) notice, the utility shall not attempt to discontinue service again for at least twenty-one (21) days after the first attempt to reconnect. If the notice is a subsection (11)(B) notice, the utility shall not attempt to discontinue service again for at least fourteen (14) days after the first attempt to reconnect, pending receipt of the subsection (11)(A) notice.

(E) The utility must receive a subsection (11)(A) notice within fourteen (14) days after being notified according to subsection (11)(B). A utility may discontinue service if it does not receive a subsection (11)(A) notice within fourteen (14) days after being notified according to subsection (11)(B). Therefore failure to receive a subsection (11)(A) notice following the subsection (11)(B) timeframe does not require the utility to provide repeated notice to the premises for disconnection according to section (7).

(F) Upon receipt of an subsection (11)(A) notice, the utility shall notify the customer, in writing, of the receipt of the certificate or letter, the date the certificate or letter was received, the date the postponement of discontinuance or attempted reconnection of service was commenced, and the date on which the postponement of discontinuance or reconnection shall expire. The notice may be delivered by first-class mail or hand-delivered to an adult person at the residence.

(G) A completed subsection (11)(A) notice must be signed by a physician and must be in the following form. The utility shall provide a copy of the physician's certificate form to the physician.

(H) Delaying discontinuance or reconnecting service under section (11) does not excuse the customer from having to pay for the service.

(I) The utility may apply the applicable reconnect fees for restoration of service which shall appear on the proceeding month's billing statement.

(J) If discontinuance has been postponed under section (11) and the physician's certificate or physician's letter has expired and cause for discontinuance of service still exists, the utility may discontinue service by following the notice requirement of section (8), and need not follow the notice requirements of section (6). A utility must make best efforts to verify that the physician's letter has expired before disconnecting service under this subsection.

~~/(10)/(12)~~ Notwithstanding any other provision of this rule, a utility may discontinue residential service temporarily for reasons of maintenance, health, safety, or a state of emergency.

~~/(11)/(13)~~ Upon the customer's request, a utility shall restore service consistent with all other provisions of this chapter when the cause for discontinuance has been eliminated, applicable restoration charges have been paid and, if required, satisfactory credit arrangements have

been made. At all times, a **utility shall make** reasonable effort *[shall be made]* to restore service upon the day **service** restoration is requested, and in any event, restoration shall be made not later than the next working day following the day requested by the customer. The utility may charge the customer a reasonable fee for restoration of service, if *[provided]* **permitted** in the utility's approved tariffs.

PHYSICIAN'S CERTIFICATE OF MEDICAL NEED FOR UTILITY SERVICE

The Missouri Public Service Commission requires utilities under its jurisdiction to honor physician's certificates, or a physician's letter on the physician's letterhead, which attests to the fact that a utility customer or any permanent resident of the household has a serious medical condition, and clearly states that the discontinuance of that utility's service would rapidly either give rise to a substantial risk of death or gravely impair the health of the customer or another permanent household resident.

A licensed physician or other licensed health care professional providing health care services to the patient may initially notify the utility of the serious medical condition and substantial risk of death or grave impairment of health resulting from discontinuance of utility service. However, the notice must be followed within fourteen (14) days by the certificate or letter referenced above. The certificate is valid for at least twenty-eight (28) days from the date of first notice.

You are being asked to verify that the stated medical condition exists. This certificate allows the utility customer time to secure payment for utility service or to make alternate arrangements for care of the patient.
Thank you for your cooperation.

To: (Name of Utility)

Date:

I certify that loss of (electric / gas / water/ sewer) utility service would rapidly either give rise to a substantial risk of death or gravely impair the health of my patient, _____, who lives at _____.

The nature of the serious medical condition is (fill in)_____.

The effect of loss of the selected utility service would be (fill in)_____.

I am licensed to practice medicine by the Missouri State Medical Board or a comparable licensing authority in the State of _____.

Physician's Signature

Physician Name (Please Print)
Address
Phone Number

AUTHORITY: sections 386.250(6)[, *RSMo Supp. 1991*] and 393.140(II), *RSMo [1986] 2000*. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Emergency Amendment filed Jan. 30, 1984, effective Feb. 9, 1984, expired April 1, 1984. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather. The commission is amending the title of the chapter and paragraph (14)(F)4.

PURPOSE: This rule is amended to correct a formatting error in the rule.

(14) This section only applies to providers of natural gas services to residential customers. Other providers of heat-related utility services will continue to provide such service under the terms of sections (1) through (13) of this rule. The provisions of sections (1) through (13) of this rule continue to apply to providers of natural gas service except where inconsistent with the terms of this section.

(F) A gas utility shall be permitted to recover the costs of complying with this section as follows:

1. The cost of compliance with this section shall include any reasonable costs incurred to comply with the requirements of this section;

2. No gas utility shall be permitted to recover costs under this section that would have been incurred in the absence of this section,

provided that the costs calculated in accordance with paragraph (14)(F)1. shall be considered costs of complying with this section;

3. Any net cost resulting from this section as of June 30 each year shall accumulate interest at the utility's annual short-term borrowing rate until such times as it is recovered in rates; and

4. No bad debts accrued prior to the effective date of this section may be included in the costs to be recovered under this section, provided that a gas utility may continue to calculate and defer for recovery through a separate Accounting Authority Order the costs of complying with the commission's January 1, 2006 emergency amendment to this rule upon the same terms as set forth herein. The costs eligible for recovery shall be the unpaid charges for new service received by the customer subsequent to the time the customer is retained or reconnected by virtue of this section plus the unpaid portion of the difference between the initial payment paid under this section and the initial payment that could have been required from the customer under the previously enacted payment provisions of section (10) of this rule, as measured at the time of [a] subsequent disconnection for nonpayment or expiration of the customer's payment plan.

AUTHORITY: sections 386.250 and 393.140, [*RSMo 2000*] and 393.130, *RSMo [Supp. 2005] 2000*. Original rule filed June 13, 1984, effective Nov. 15, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.060 Settlement Agreement and [Extension] Payment Agreement. The commission is amending the title of the chapter, the rule title, and sections (1) and (2), and deleting section (4).

PURPOSE: *This rule is amended to eliminate inconsistencies in order to improve the operation of the rule.*

(1) When a utility and a customer arrive at a mutually satisfactory settlement of any dispute or the customer does not dispute liability to the utility but claims inability to pay the outstanding bill in full, a utility and the customer may enter into a settlement agreement. A settlement agreement which extends beyond *[sixty (60)] ninety (90)* days shall be in writing and mailed or otherwise delivered to the customer.

(2) Every *[settlement]* **payment** agreement resulting from the customer's inability to pay the outstanding bill in full shall provide that service will not be discontinued if the customer pays the amount of the outstanding bill specified in the agreement and agrees to pay a reasonable portion of the remaining outstanding balance in installments until the bill is paid. For purposes of determining reasonableness, the parties shall consider the following: the size of the delinquent account, the customer's ability to pay, the customer's payment history, the time that the debt has been outstanding, the reasons why the debt has been outstanding, and any other relevant factors relating to the customer's service.

[[4] The utility may enter into an extension agreement upon the request of a customer who claims an inability to pay the bill in full.]

AUTHORITY: *sections 386.250(6)[, RSMo Supp. 1991] and 393.140(11), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 13—Service and Billing Practices for Residential Customers of Electric, Gas, Sewer, and Water Utilities

PROPOSED AMENDMENT

4 CSR 240-13.070 Commission Complaint Procedures. The commission is amending the title of the chapter, sections (3), (4), (6), and (7).

PURPOSE: *This rule is amended to update the rule to incorporate current technology and to clarify and eliminate inconsistencies in order to improve the operation of the rule.*

(3) If a utility and a customer **and/or applicant** fail to resolve a matter in dispute, the utility shall advise the customer **and/or applicant** of his/her right to file an informal complaint with the commission under 4 CSR 240-2.070.

(4) If the staff is unable to resolve the complaint to the satisfaction of the parties, the staff shall **call the complainant and utility and note such conversation into the commission's electronic file and information system** and send a dated letter or email to that effect to the complainant and to the utility. **Staff shall also advise the customer of his/her right to file a formal complaint with the commission under 4 CSR 240-2.070.**

(A) *[The letter]* **Upon request, the staff shall [advise] send to the complainant [that, if s/he desires, s/he may file] a copy of the appropriate rules and the formal complaint [in accordance with 4 CSR 240-2.070] form.**

(6) A utility shall not discontinue residential service relative to the *[matter]* **amount** in dispute during the pendency of an informal complaint and until at least thirty-one (31) days after the date of the letter issued pursuant to section (4), and shall in no case discontinue this service without leaving a notice of discontinuance after the date of the letter issued pursuant to section (4).

(7) Failure of the customer to pay the amount of a bill which is not in dispute, as determined pursuant to sections 4 CSR 240-13.045(5) or (6) of these rules, shall be grounds for **discontinuance of service** and dismissal of an informal or formal complaint.

AUTHORITY: *sections 386.250(6)[, RSMo Supp. 1991] and 393.140(11), RSMo [1986] 2000. Original rule filed Dec. 19, 1975, effective Dec. 30, 1975. Amended: Filed Oct. 14, 1977, effective Jan. 13, 1978. Amended: Filed Jan. 14, 1981, effective July 15, 1981. Rescinded and readopted: Filed Sept. 22, 1993, effective July 10, 1994. Amended: Filed Aug. 1, 2013.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 7, 2013, and should include a reference to Commission Case No. AX-2013-0091. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 10, 2013, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 18—Safety Standards**

PROPOSED AMENDMENT

4 CSR 240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives.
The commission is amending the purpose of the rule and section (1).

PURPOSE: This amendment changes the edition of the National Electrical Safety Code that the Public Service Commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies, and rural electric cooperatives, and clarifies that the new standards apply only to new installations and extensions.

PURPOSE: This rule prescribes minimum safety standards relating to the operation of electric utilities, telecommunications companies, and rural electric cooperatives. Adoption of this rule will [not only] inform the utilities of the minimum safety standards required by the commission and will be of assistance to the commission staff in carrying out its assigned duties.

(1) The minimum safety standards relating to the operation of electrical corporations, telecommunications companies, and rural electric cooperatives are Parts 1, 2, and 3 and Sections 1, 2, and 9 of the *National Electrical Safety Code (NESC)*; [2007] **2012** Edition as approved by the American National Standards Institute on [June 16, 2006] **August 1, 2011**, as modified by Errata thereto issued on [October 5, 2006 and May 14, 2007] **February 6, 2012**, and published by the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997. The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms, and Section 9 requires certain grounding methods for electric and communications facilities. The full text of this material is available at the Energy Department of the Public Service Commission, Suite 700, 200 Madison, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 386.310 and 394.160, RSMo 2000. Original rule filed March 15, 1978, effective Oct. 2, 1978. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 1, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities \$4,834,800 to \$5,314,800 in the aggregate over the three- (3-) year life expectancy of the rule.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 3, 2013, and should include a reference to Commission Case No. EX-2012-0332. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 4, 2013, at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:**
Division Title:
Chapter Title:

Rule Number and Title:	4 CSR 240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	Investor Owned Utilities	
	Ameren Missouri	1. \$381,600 Annually 2. Negligible 3. Negligible 4. \$2.3M over 2 years
	Empire District Electric Company	\$30,000 to \$190,000, annually
	Kansas City Power & Light and Kansas City Power & Light Greater Missouri Operations, combined	\$50,000 annually
Total Fiscal Impact Costs:		\$4,834,800 to \$5,314,800 over the 3-year life expectancy of the rule.

II. WORKSHEET**Ameren Missouri:**

- 1. Guy Insulator Placement** – Rule 215C4 regarding use of insulators in down guys and span guys may have a significant cost impact. The revised rule may require guy insulators to be daisy chained from pole attachment to below the lowest Ameren conductor. On May 1, 2012, Distribution Standards submitted a request for interpretation to the NESC Interpretations Committee to clarify the intent of this rule change. Typical response time is 1 year
- 2. Wood Pole Class Design Selection** – For poles longer in length than 55 feet, Rules 261A2a and 261A2b were revised to require evaluation of all applied loading moments on the structure (conductor attachment points) instead of just the resultant ground-line loading moment. This could potentially lead to use of higher class poles or shorter span lengths. However, Distribution Standards believes our current use of Class 1 poles as a minimum for subtransmission

construction will negate the impact of these rule changes. Also, these rule changes will not typically apply to 15kV and below structures due to use of poles shorter than 55 feet in length.

3. **Conductor Design Tension Limits** – Rule 261H was revised regarding the 35% Initial Unloaded Tension and 25% Final Unloaded Tension limits. This rule change now requires these conductor design tension limits to be evaluated at 0° F instead of 60° F. This will have no impact on our standard distribution construction (span lengths 300 feet or less). Longer spans may require taller poles due to the reduced tensions and greater sags that this rule change imposes on the longer spans.
4. **Protective Measures for ARC Exposure** – Table 410-1 was added to cover required rating of clothing for worker exposure to voltages 1 kV and less. This will have a significant cost impact to Ameren for work activity on 480V equipment.

Empire District Electric Company:

See Attached.

Kansas City Power & Light and Kansas City Power & Light Greater Missouri Operations:

N/A

IV. ASSUMPTIONS

Ameren Missouri:

1. **Guy Insulator Placement** - If the daisy chaining of guy insulators is required, the cost increase to Ameren is estimated to approach **\$381,600 per year**. This is based on a material cost difference of \$53/guy wire with 7200 guy wires installed per year in Missouri.
2. **Wood Pole Class Design Selection** - The overall material cost impact will be negligible.
3. **Conductor Design Tension Limits** - The overall cost impact to Ameren should be negligible.
4. **Protective Measures for ARC Exposure**- Ameren is proposing to replace 66 480V network protectors over a two year time frame. **Total cost is estimated at \$2.3M for materials and labor to accomplish this.**

Empire District Electric Company:

See Attached.

Kansas City Power & Light and Kansas City Power & Light Greater Missouri Operations:

N/A

Assumptions of Empire District Electric Company

NESC 2012 Changes and their Financial Impact.

Scope and Purpose section 010 and 011

Language and illustrations added clarify the purpose of the NESC, and the line of demarcation between facilities covered by the NESC and NEC.

No net financial impact to EDE.

Grounding Section 9

Changes were made to the definition of effectively grounded, and items required to be grounded thus must meet the new definition.

The distance between multiple driven ground rods is now specified, as well as some requirements for guarding of grounding conductors where required. The conditions required to count a direct embedded steel pole as a ground are defined.

No net financial impact to EDE.

Substations Section 11

Changes modified the clearance to live parts guarded by an impenetrable fence. Rules regarding storage of materials in the substation, lighting levels, and necessity of fire extinguishing equipment were addressed.

No net financial impact to EDE.

General Requirements Overhead Lines section 21

Records of inspection of facilities must be kept until defects are remedied. Guy wires must be either grounded or insulated, and the insulators placed to limit the likelihood of conducting electricity between other conductors or equipment installed on the structure. Physical protection or guarding shall be provided for structures in parking lots. Readily climbable structures adjacent to traveled ways shall be equipped with barriers to inhibit climbing or posted with appropriate safety signs. Climbing steps shall begin at least 8 ft above ground. Guys in parking areas shall be either protected from vehicle damage or clearly marked. No Attachment or decoration shall be attached to any structure without permission of the owner, and it must not create a code violation.

Clearances Section 23

Added a climate zone for "warm Islands", defined the communication space more clearly, and specified clearances to guys are to be based on maximum operating voltage, not nominal.

No net financial impact to EDE.

Grades of Construction Section 24

Communication conductors are required to meet the same grade of construction as supply conductors on the same pole.

No net financial impact to EDE.

Loadings for Grades B and C Section 25

The alternate (grandfathered) method of applying load factors to poles is no longer permitted in this edition.

No net financial impact to EDE.

Strength Requirements Section 26

Wood structures of total length 60 feet and greater shall be designed to withstand the appropriate factored loads at the point of maximum stress, not at the groundline. Single composite crossarms equivalent or greater in strength may be substituted for double wood crossarms.

This will have considerable impact to EDE. The analysis of poles will be more time consuming, and heavier class poles will be required. Estimated impact is approximately \$60,000 per year.

Line Insulation Section 27

Guy insulators must have a dry flashover rating at least twice that of the nominal voltage between conductors of the guyed circuit, and must be UV protected.

This will have an impact on EDE, as manufacturers currently do not publish electrical ratings for the guy strain insulators, and more guy insulators will be required. Estimate of one additional insulator per anchor guy would cost approximately \$100,000.00 per year.

Work Rules Part 4

The requirements for arc flash personal protective equipment are extended to voltages down to 50V. The table for minimum approach distances has been simplified.

This will have an impact on EDE, as Arc Flash Protective equipment will need to be worn in additional work conditions. Although we currently provide arc flash apparel, there is a cost to Empire significantly greater than the \$500 threshold to meet requirements of latest version of the NESC Part 4; Work Rules. The purchase of remote equipment to provide employee protection is significant. In addition, other significant costs for PPE was needed for certain job tasks that apply to Part 4; Work Rules as well. As well, the time and labor involved in analyzing specific tasks is consuming.

What we had previously provided for typical overhead & underground job tasks was sufficient for Part 4; Work Rules. Estimated cost is \$30,000 initially with ongoing replacement costs.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.200 Hospital, Medical, Infectious Waste Incinerators.
The commission proposes to amend subsections (1)(E), (1)(H), (2)(A), (3)(A), (3)(B), and (3)(E). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Plan for Designated Facilities and Pollutants pursuant to section 111(d) of the Clean Air Act for hospital, medical, and infectious waste incinerators. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule establishes emission limits for existing hospital, medical, and infectious waste incinerators. The pollutants regulated include metals, particulate matter, acid gases, organic compounds, carbon monoxide, and opacity. This rule includes requirements for operator training and qualification, waste management, compliance and performance testing, monitoring, and reporting/record keeping. This amendment will remove the exemption for start-up, shutdown, and malfunction events to maintain consistency with federal regulations; clarify the hierarchy of definitions; and update the references to the test methods used to determine compliance. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Federal Register notices 78 FR 12460, dated February 22, 2013, and 78 FR 28052, dated May 13, 2013.

(1) Applicability.

(E) Any combustor which meets the applicability requirements under /s/Subpart Cb, Ea, or Eb of 40 CFR [part] 60 is not subject to this rule.

(H) Physical or operational changes made to an HMIWI unit solely for the purpose of complying with this rule are not considered a modification and do not result in an HMIWI unit becoming subject to the provisions of 40 CFR [part] 60, /s/Subpart Ec.

(2) Definitions.

(A) Definitions of certain terms specified in this rule, *other than those defined in this rule section, may be found in the Clean Air Act and in 40 CFR Part 60, subparts A, B, and Ec* may be found in 40 CFR 60.21 and 40 CFR 60.51c, promulgated as of July 1, 2012, and are hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(3) General Provisions.

(A) Emission Limits.

1. No owner or operator of an HMIWI subject to this rule shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits presented in Table 1 of this subsection, except as provided for in paragraph (3)(A)2. of this rule.

Table 1—Emissions Limits for Small, Medium, and Large HMIWI

Pollutant	Units (7 percent oxygen, dry basis)	Emissions limits			Averaging time ¹	Method for demonstrating compliance ²
		HMIWI size				
		Small	Medium	Large		
Particulate matter	Milligrams per dry standard cubic meter (mg/dscm) (grains per dry standard cubic foot (gr/dscf))	66 (0.029)	46 (0.020) or 34 (.015) ³	25 (0.011)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 5 of 40 CFR 60 , Appendix A–3 [<i>of part 60</i>] or EPA Reference Method 26A or 29 of 40 CFR 60 , Appendix A–8 [<i>of part 60</i>].
Carbon monoxide	Parts per million by volume (ppmv)	20	5.5	11	3-run average (1-hour minimum sample time per run)	EPA Reference Method 10 or 10B of 40 CFR 60 , Appendix A–4 [<i>of part 60</i>].
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (ng/dscm) (grains per billion dry standard cubic feet (gr/10 ⁹ dscf)) or ng/dscm TEQ (gr/10 ⁹ dscf)	16 (7.0) or 0.013 (0.0057)	0.85 (0.37) or 0.020 (0.0087)	9.3 (4.1) or 0.054 (0.024)	3-run average (4-hour minimum sample time per run)	EPA Reference Method 23 of 40 CFR 60 , Appendix A–7 [<i>of part 60</i>].
Hydrogen chloride	ppmv	44 or 15 or 99% ³	7.7	6.6	3-run average (1-hour minimum sample time per run)	EPA Reference Method 26 or 26A of 40 CFR 60 , Appendix A–8 [<i>of part 60</i>].
Sulfur dioxide	ppmv	4.2	4.2	9.0	3-run average (1-hour minimum sample time per run)	EPA Reference Method 6 or 6C of 40 CFR 60 , Appendix A–4 [<i>of part 60</i>].
Nitrogen oxides	ppmv	190	190	140	3-run average (1-hour minimum sample time per run)	EPA Reference Method 7 or 7E of 40 CFR 60 , Appendix A–4 [<i>of part 60</i>].
Lead	mg/dscm (grains per thousand dry standard cubic feet (gr/10 ³ dscf))	0.31 (0.14)	0.018 (0.0079)	0.036 (0.016)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60 , Appendix A–8 [<i>of part 60</i>].
Cadmium	mg/dscm (gr/10 ³ dscf)	0.017 (0.0074)	0.013 (0.0057)	0.0092 (0.0040)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60 , Appendix A–8 [<i>of part 60</i>].
Mercury	mg/dscm (gr/10 ³ dscf)	0.014 (0.0061)	0.025 (0.011)	0.018 (0.0079)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60 , Appendix A–8 [<i>of part 60</i>].

¹ Except as allowed under section 60.56c(c) for HMIWI equipped with Continuous Emission Monitoring System (CEMS).

² Does not include CEMS and approved alternative non-EPA test methods allowed under section 60.56c(b).

³ HMIWI constructed after June 20, 1996, but no later than December 1, 2008, or for which modification is commenced after March 16, 1998, but no later than April 6, 2010.

2. No owner or operator of a small HMIWI constructed on or before June 20, 1996, which is located more than fifty (50) miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burns less than two thousand (2,000) pounds per week of hospital waste and medical/infectious waste shall cause to be discharged into the atmosphere any gases that contain stack emissions in excess of the limits presented in Table 2 of this paragraph. The two thousand (2,000) pounds per week limitation does not apply during performance tests.

Table 2—Emissions Limits for Small HMIWI Which Meet the Criteria Under Paragraph (3)(A)2. of this Rule

Pollutant	Units (7 percent oxygen, dry basis)	HMIWI Emissions limits	Averaging time¹	Method for demonstrating compliance²
Particulate matter	mg/dscm (gr/dscf)	87 (0.038)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 5 of 40 CFR 60 , Appendix A-3 <i>[of part 60]</i> or EPA Reference Method 26A or 29 of 40 CFR 60 , Appendix A-8 <i>[of part 60]</i> .
Carbon monoxide	ppmv	20	3-run average (1-hour minimum sample time per run)	EPA Reference Method 10 or 10B of 40 CFR 60 , Appendix A-4 <i>[of part 60]</i> .
Dioxins/furans	ng/dscm total dioxins/furans (gr/10 ⁹ dscf) or ng/dscm TEQ (gr/10 ⁹ dscf)	240 (100) or 5.1 (2.2)	3-run average (4-hour minimum sample time per run)	EPA Reference Method 23 of 40 CFR 60 , Appendix A-7 <i>[of part 60]</i> .
Hydrogen chloride	ppmv	810	3-run average (1-hour minimum sample time per run)	EPA Reference Method 26 or 26A of 40 CFR 60 , Appendix A-8 <i>[of part 60]</i> .
Sulfur dioxide	ppmv	55	3-run average (1-hour minimum sample time per run)	EPA Reference Method 6 or 6C of 40 CFR 60 , Appendix A-4 <i>[of part 60]</i> .
Nitrogen oxides	ppmv	130	3-run average (1-hour minimum sample time per run)	EPA Reference Method 7 or 7E of 40 CFR 60 , Appendix A-4 <i>[of part 60]</i> .
Lead	mg/dscm (gr/10 ³ dscf)	0.50 (0.22)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60 , Appendix A-8 <i>[of part 60]</i> .
Cadmium	mg/dscm (gr/10 ³ dscf)	0.11 (0.048)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60 , Appendix A-8 <i>[of part 60]</i> .
Mercury	mg/dscm (gr/10 ³ dscf)	0.0051 (0.0022)	3-run average (1-hour minimum sample time per run)	EPA Reference Method 29 of 40 CFR 60 , Appendix A-8 <i>[of part 60]</i> .

¹ Except as allowed under section 60.56c(c) for HMIWI equipped with CEMS.

² Does not include CEMS and approved alternative non-EPA test methods allowed under section 60.56c(b).

3. No owner or operator of an HMIWI subject to this rule shall cause to be discharged into the atmosphere from the stack of that HMIWI any gases that exhibit greater than six percent (6%) opacity (six (6)-minute block average).

(B) Operator Training and Qualification Requirements.

1. No owner or operator of an HMIWI subject to this rule shall allow the HMIWI to operate at any time unless a fully trained and qualified HMIWI operator is accessible, either at the facility or available within one (1) hour. The trained and qualified HMIWI operator may operate the HMIWI directly or be the direct supervisor of one (1) or more HMIWI operators.

2. Operator training and qualification shall be obtained by completing the requirements included in paragraphs (3)(B)3. through 7. of this rule.

3. Training shall be obtained by completing an HMIWI operator training course that includes, at a minimum, the following provisions:

A. Twenty-four (24) hours of training on the following subjects:

(I) Environmental concerns, including pathogen destruction and types of emissions;

(II) Basic combustion principles, including products of combustion;

(III) Operation of the type of incinerator to be used by the operator, including proper start-up, waste charging, and shutdown procedures;

(IV) Combustion controls and monitoring;

(V) Operation of air pollution control equipment and factors affecting performance (if applicable);

(VI) Methods to monitor pollutants and equipment calibration procedures (where applicable);

(VII) Inspection and maintenance of the HMIWI, air pollution control devices, and continuous emission monitoring systems;

(VIII) Actions to correct malfunctions or conditions that may lead to malfunction;

(IX) Bottom and fly ash characteristics and handling procedures;

(X) Applicable federal, state, and local regulations;

(XI) Work safety procedures;

(XII) *[Pre-startup inspections]* **Inspections prior to start-up;** and

(XIII) Record-keeping requirements;

B. An examination designed and administered by the instructor; and

C. Reference material distributed to the attendees covering the course topics.

4. Qualifications shall be obtained by—

A. Completion of a training course that satisfies the criteria under paragraph (3)(B)3. of this rule; and

B. Either six (6) months experience as an HMIWI operator, six (6) months experience as a direct supervisor of an HMIWI operator, or completion of at least two (2) burn cycles under the observation of two (2) qualified HMIWI operators.

5. Qualification is valid from the date on which the examination is passed or the completion of the required experience, whichever is later.

6. To maintain qualification, the trained and qualified HMIWI operator shall complete and pass an annual review or refresher course of at least four (4) hours covering, at a minimum, the following:

A. Update of regulations;

B. Incinerator operation, including start-up and shutdown procedures;

C. Inspection and maintenance;

D. Responses to malfunctions or conditions that may lead to malfunction; and

E. Discussion of operating problems encountered by attendees.

7. A lapsed qualification shall be renewed by one (1) of the following methods:

A. For a lapse of less than three (3) years, the HMIWI operator shall complete and pass a standard annual refresher course described in paragraph (3)(B)6. of this rule; or

B. For a lapse of three (3) years or more, the HMIWI operator shall complete and pass a training course with the minimum criteria described in paragraph (3)(B)3. of this rule.

8. The owner or operator of an HMIWI shall maintain documentation at the facility that addresses the following:

A. Summary of the applicable standards under this subpart;

B. Description of basic combustion theory applicable to an HMIWI;

C. Procedures for receiving, handling, and charging waste;

D. HMIWI start-up, shutdown, and malfunction procedures;

E. Procedures for maintaining proper combustion air supply levels;

F. Procedures for operating the HMIWI and associated air pollution control systems within the standards established under this subpart;

G. Procedures for responding to periodic malfunction or conditions that may lead to malfunction;

H. Procedures for monitoring HMIWI emissions;

I. Reporting and record-keeping procedures; and

J. Procedures for handling ash.

9. The owner or operator of an HMIWI shall establish a program for reviewing the information listed in paragraph (3)(B)8. of this rule annually with each HMIWI operator.

A. The initial review of the information listed in paragraph (3)(B)8. of this rule shall be conducted prior to assumption of responsibilities affecting HMIWI operation.

B. Subsequent reviews of the information listed in paragraph (3)(B)8. of this rule shall be conducted annually.

10. The information listed in paragraph (3)(B)8. of this rule shall be kept in a readily-accessible location for all HMIWI operators. This information, along with records of training, shall be available for inspection by the department or its delegated enforcement agent upon request.

(E) Compliance and Performance Testing.

1. The emission limits under this rule apply at all times.

2. Except as provided in paragraph (3)(E)12. of this rule, the owner or operator of an HMIWI subject to this rule shall conduct an initial performance test to determine compliance with the emission limits using the procedures and test methods listed in subparagraphs (3)(E)2.A. through L. of this rule. The use of the bypass stack during a performance test shall invalidate the performance test. For small HMIWIs as defined in paragraph (3)(A)2. of this rule, the two-thousand (2,000)-pound-per-week limitation does not apply during performance tests.

A. All performance tests shall consist of a minimum of three (3) test runs conducted under representative operating conditions.

B. The minimum sample time shall be one (1) hour per test run unless otherwise indicated.

C. The sampling location and number of traverse points shall be determined using EPA Reference Method 1 of 40 CFR *[part]* 60, Appendix A-1*[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]*.

D. Gas composition shall be analyzed and include a measurement of oxygen concentration using EPA Reference Method 3, 3A, or 3B of 40 CFR *[part]* 60, Appendix A-2*[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions and shall be used for gas composition analysis, including measurement of oxygen concentration]*. EPA Reference

Method 3, 3A, or 3B shall be used simultaneously with each of the other EPA reference methods. *[As an alternative to EPA Reference Method 3B, ASME PTC-19-10-1981-Part 10, American Society of Mechanical Engineers (ASME), PO Box 2900, 22 Law Drive, Fairfield, NJ, 07007-2900, may be used. This standard is incorporated by reference in this rule, as published by American Society for Testing and Materials (ASTM) International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions]* **As an alternative to EPA Reference Method 3B, ASME PTC-19-10-1981-Part 10 may be used.**

E. The pollutant concentrations shall be adjusted to seven percent (7%) oxygen using the following equation:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \% O_2)$$

where:

C_{adj} = pollutant concentration adjusted to 7 percent oxygen

C_{meas} = pollutant concentration measured on a dry basis

$(20.9 - 7)$ = 20.9 percent oxygen - 7 percent oxygen (defined oxygen correction basis)

20.9 = oxygen concentration in air, percent

$\% O_2$ = oxygen concentration measured on a dry basis, percent

F. Particulate Matter (PM) emissions shall be measured using EPA Reference Method 5 of 40 CFR [part] 60, Appendix A-3[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. An acceptable alternate method for measuring PM emissions is **EPA Reference Method 26A or Method 29 of 40 CFR [part] 60, Appendix A-8[, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions].** As an alternative, PM Continuous Emission Monitoring System (CEMS) may also be used as specified in subparagraph (3)(E)3.C. of this rule.

G. Stack opacity shall be measured using EPA Reference Method 9 of 40 CFR [part] 60, Appendix A-4 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, demonstration of compliance with the PM standards using bag leak detection systems as specified in paragraph (3)(E)11. of this rule or PM CEMS as specified in subparagraph (3)(E)3.C. of this rule is considered demonstrative of compliance with the opacity requirements.

H. Carbon monoxide (CO) emissions shall be measured using EPA Reference Method 10 or 10B of 40 CFR [part] 60, Appendix A-4 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, CO CEMS may be used as specified in subparagraph (3)(E)3.C. of this rule.

I. Total dioxin/furan emissions shall be measured using EPA Reference Method 23 of 40 CFR [part] 60, Appendix A-7 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, an owner or operator may elect to sample dioxins/furans by installing, calibrating,

maintaining, and operating a continuous automated sampling system for monitoring dioxin/furan emissions. Sampling shall be done using **EPA Reference Method 23 of [Appendix A-7, of] 40 CFR [part] 60, Appendix A-7 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions].** The minimum sample time shall be four (4) hours per test run. If the affected facility has selected the toxic equivalency standards for dioxin/furans the following procedures shall be used to determine compliance:

(I) Measure the concentration of each dioxin/furan tetra-through octa-congener emitted using EPA Reference Method 23 of 40 CFR [part] 60, **Appendix A-7 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions];**

(II) For each dioxin/furan congener measured in accordance with part (3)(E)2.I.(I) of this rule, multiply the congener concentration by its corresponding toxic equivalency factor specified in Table 3 of this part; and

Table 3—Toxic Equivalency Factors

Dioxin/furan congener	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
octachlorinated dibenzofuran	0.001

(III) Sum the products calculated in accordance with part (3)(E)2.I.(II) of this rule to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.

J. Hydrogen chloride (HCl) shall be measured using EPA Reference Method 26 or 26A of 40 CFR [part] 60, Appendix A/-/8 [promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, HCl CEMS may be used as specified in subparagraph (3)(E)3.C. of this rule.

K. Lead (Pb), cadmium (Cd), and mercury (Hg) emissions shall be measured using EPA Reference Method 29 of 40 CFR [part] 60, Appendix A/-/8, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. As an alternative, Hg emissions may be measured using ASTM D6784-02(2008).

[This standard is incorporated by reference in this rule, as published by ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959. This rule does not incorporate any subsequent amendments or additions.] As an alternative for Pb, Cd, and Hg, multi-metals CEMS or Hg CEMS, may be used as specified in subparagraph (3)(E)3.C. of this rule. As an alternative, an owner or operator may elect to sample Hg by installing, calibrating, maintaining, and operating a continuous automated sampling system for monitoring Hg emissions.

L. Compliance for fugitive ash emissions shall be determined using EPA Reference Method 22 of 40 CFR [part] 60, Appendix A/-/7, promulgated as of December 21, 1971, and incorporated by reference in this rule, as published by the U.S. Government Printing Office, 732 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions]. The minimum observation time shall be a series of three (3) one (1)-hour observations.

3. Following the date on which the initial performance test is completed, the owner or operator of an affected facility shall—

A. Determine compliance with the opacity limit by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test methods listed in paragraph (3)(E)2. of this rule;

B. Determine compliance with the PM, CO, and HCl emission limits by conducting an annual performance test (no more than twelve (12) months following the previous performance test) using the applicable procedures and test methods listed in paragraph (3)(E)2. of this rule. If all three (3) performance tests over a three (3)-year period indicate compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for the subsequent two (2) years. At a minimum, a performance test for PM, CO, and HCl shall be conducted every third year (no more than thirty-six (36) months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, or HCl), the owner or operator may forego a performance test for that pollutant for an additional two (2) years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three (3)-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test; and

C. Facilities using a Continuous Emission Monitoring System (CEMS) to demonstrate compliance with any of the emission limits under section (3) of this rule shall determine compliance with the appropriate emission limit(s) using a twelve (12)-hour rolling average, calculated each hour as the average of the previous twelve (12) operating hours.

4. The owner or operator of an affected facility equipped with a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and wet scrubber shall—

A. Establish the appropriate maximum and minimum operating parameters, indicated in Table 4 of this subparagraph for each control system, as site-specific operating parameters during the initial performance test to determine compliance with the emission limits; and

Table 4—Operating Parameters to be Monitored and Minimum Measurement and Recording Frequencies

Operating parameters to be monitored	Minimum frequency		Control system		
	Data measurement	Data recording	Dry scrubber followed by fabric filter	Wet scrubber	Dry scrubber followed by fabric filter and wet scrubber
MAXIMUM OPERATING PARAMETERS					
Maximum charge rate	Continuous	1 per hour	✓	✓	✓
Maximum fabric filter inlet temperature	Continuous	1 per minute	✓		✓
Maximum flue gas temperature	Continuous	1 per minute		✓	✓
MINIMUM OPERATING PARAMETERS					
Minimum secondary chamber temperature	continuous	1 per minute	✓	✓	✓
Minimum dioxin/furan sorbent flow rate	hourly	1 per hour	✓		✓
Minimum hydrogen chloride (HCl) sorbent flow rate	hourly	1 per hour	✓		✓
Minimum mercury (Hg) sorbent flow rate	hourly	1 per hour	✓		✓
Minimum pressure drop across the wet scrubber or minimum horsepower or amperage to wet scrubber	continuous	1 per minute		✓	✓
Minimum scrubber liquor flow rate	continuous	1 per minute		✓	✓
Minimum scrubber liquor pH	continuous	1 per minute		✓	✓

B. Following the date on which the initial performance test is completed, ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 4 and measured as three (3)-hour rolling averages (calculated each hour as the average of the previous three (3) operating hours) at all times *[except during periods of startup, shutdown, and malfunction]*. Operating parameter limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating parameter(s) shall constitute a violation of established operating parameter(s).

5. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed by a fabric filter—

A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

C. Operation of the affected facility above the maximum charge rate and below the minimum HCl sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

E. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

6. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a wet scrubber—

A. Operation of the affected facility above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM emission limit;

B. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

C. Operation of the affected facility above the maximum charge rate, below the minimum secondary temperature, and below the minimum scrubber liquor flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

E. Operation of the affected facility above the maximum flue gas temperature and above the maximum charge rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

F. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

7. Except as provided in paragraph (3)(E)8. of this rule, for affected facilities equipped with a dry scrubber followed by a fabric filter and a wet scrubber—

A. Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the CO emission limit;

B. Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and

below the minimum dioxin/furan sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit;

C. Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit;

D. Operation of the affected facility above the maximum charge rate and below the minimum Hg sorbent flow rate (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit; or

E. Use of the bypass stack shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd, and Hg emission limits.

8. The owner or operator of an affected facility may conduct a repeat performance test within thirty (30) days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted using the identical operating parameters that indicated a violation under paragraphs (3)(E)5., 6., or 7. of this rule.

9. The owner or operator of an affected facility using an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber, or selective noncatalytic reduction technology, to comply with the emission limits under section (3) of this rule shall petition the administrator for other site-specific operating parameters to be established during the initial performance test and continuously monitored thereafter. The owner or operator shall not conduct the initial performance test until after the petition has been approved by the administrator.

10. The owner or operator of an affected facility may conduct a repeat performance test at any time to establish new values for the operating parameters. The department may request a repeat performance test at any time.

11. The owner or operator of an affected facility that uses an air pollution control device that includes a fabric filter and is not demonstrating compliance using PM CEMS, determines compliance with the PM emissions limit using a bag leak detection system, and meets the requirements in subparagraphs (3)(E)11.A. through L. of this rule for each bag leak detection system.

A. Each triboelectric bag leak detection system may be installed, calibrated, operated, and maintained according to the "Fabric Filter Bag Leak Detection Guidance" (EPA-454/R-98-015, September 1997). This document is available from the U.S. Environmental Protection Agency (U.S. EPA), Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Measurement Policy Group (D-243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emissions Measurement Center Continuous Emissions Monitoring. Other types of bag leak detection systems shall be installed, operated, calibrated, and maintained in a manner consistent with the manufacturer's written specifications and recommendations.

B. The bag leak detection system shall be certified by the manufacturer to be capable of detecting PM emissions at concentrations of ten (10) milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less.

C. The bag leak detection system sensor shall provide an output of relative PM loadings.

D. The bag leak detection system shall be equipped with a device to continuously record the output signal from the sensor.

E. The bag leak detection system shall be equipped with an audible alarm system that will sound automatically when an increase in relative PM emissions over a preset level is detected. The alarm shall be located where it is easily heard by plant operating personnel.

F. For positive pressure fabric filter systems, a bag leak detector shall be installed in each baghouse compartment or cell.

G. For negative pressure or induced air fabric filters, the bag leak detector shall be installed downstream of the fabric filter.

H. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

I. The baseline output shall be established by adjusting the range and the averaging period of the device and establishing the alarm set points and the alarm delay time according to section 5.0 of the "Fabric Filter Bag Leak Detection Guidance."

J. Following initial adjustment of the system, the sensitivity or range, averaging period, alarm set points, or alarm delay time may not be adjusted. In no case may the sensitivity be increased by more than one hundred percent (100%) or decreased more than fifty percent (50%) over a three-hundred-sixty-five (365)-day period unless such adjustment follows a complete fabric filter inspection that demonstrates that the fabric filter is in good operating condition. Each adjustment shall be recorded.

K. Record the results of each inspection, calibration, and validation check.

L. Initiate corrective action within one (1) hour of a bag leak detection system alarm; operate and maintain the fabric filter such that the alarm is not engaged for more than five percent (5%) of the total operating time in a six (6)-month block reporting period. If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted. If corrective action is required, each alarm is counted as a minimum of one (1) hour. If it takes longer than one (1) hour to initiate corrective action, the alarm time is counted as the actual amount of time taken to initiate corrective action.

12. Small HMIWI subject to the emissions limits under paragraph (3)(A)2. of this rule that is not equipped with an air pollution control device shall meet the following compliance and performance testing requirements:

A. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits;

B. Following the date on which the initial performance test is completed, ensure that the designated facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three (3)-hour rolling averages (calculated as the average of the previous three (3) operating hours) at all times. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s);

C. Except as provided in subparagraph (3)(E)12.D. of this rule, operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3)-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits; and

D. The owner or operator of a designated facility may conduct a repeat performance test within thirty (30) days of the violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under subparagraph (3)(E)12.C. of this rule.

13. The owner or operator of a designated facility subject to this rule may use the results of previous emissions tests to demonstrate compliance with the emissions limits, provided that the following conditions are met:

A. The designated facility's previous emissions tests must have been conducted using the applicable procedures and test methods listed in subparagraphs (3)(E)2.A.-L. of this rule. Previous emissions test results obtained using EPA-accepted voluntary consensus standards are also acceptable;

B. The HMIWI at the designated facility shall currently be operated in a manner (e.g., with charge rate, secondary chamber temperature, etc.) that would be expected to result in the same or lower emissions than observed during the previous emissions test(s), and the HMIWI may not have been modified such that emissions would be expected to exceed (notwithstanding normal test-to-test variability) the results from previous emissions test(s); and

C. The previous emissions test(s) must have been conducted in 1996 or later.

AUTHORITY: section 643.050, RSMo [2000] Supp. 2012. Original rule filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed Oct. 13, 2000, effective July 30, 2001. Amended: Filed Nov. 26, 2010, effective Aug. 30, 2011. Amended: Filed July 30, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., October 31, 2013. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., November 7, 2013. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 15—Format for Concealed Carry Permits**

PROPOSED RULE

11 CSR 30-15.010 Format for Concealed Carry Permits

PURPOSE: This proposed rule sets out the required information that shall appear on a concealed carry permit. Pursuant to section 571.101.8, HCS for SB 75, First Regular Session, Ninety-seventh General Assembly 2013, beginning August 28, 2013 county sheriffs are responsible for issuing a concealed carry permit to qualifying applicants. This rule will ensure that there is a uniform format for each concealed carry permit issued by all county sheriffs.

(1) For purposes of this section, the following terms mean:

(A) "Concealed carry permit," a permit issued by the sheriff or his or her designee that authorizes the permittee to carry a concealed firearm subject to the limitations set out in sections 571.101 to 571.121, RSMo; and

(B) "Provisional concealed carry permit," a temporary permit issued by the sheriff or his or her designee that authorizes the permittee, while the permittee's criminal background check is pending, to carry a concealed firearm subject to the limitations set out in sections 571.101 to 571.121, RSMo.

(2) When a sheriff or designee issues a concealed carry permit to a successful applicant, the permit shall include only the following information in the manner and location prescribed in form 1 included herein:

(A) Name;

(B) Address;
(C) Date of birth;
(D) Gender;
(E) Height;
(F) Weight;
(G) Hair color;
(H) Eye color;
(I) Signature of permit holder;
(J) Signature of sheriff;
(K) Date permit is issued;
(L) Expiration date; and
(M) Permit number assigned by the sheriff or designee pursuant to section 571.101.8, RSMo. The permit number shall include the three (3) digit county code followed by a unique permit number assigned to the individual obtaining the permit.

(3) When a sheriff or designee issues a provisional concealed carry permit to an applicant whose criminal background check is pending, the provisional permit shall include only the following information in the manner and location prescribed in form 2 included herein:


(A) Name;
(B) Address;
(C) Date of birth;
(D) Gender;
(E) Height;
(F) Weight;
(G) Hair color;
(H) Eye color;
(I) Signature of permit holder;
(J) Signature of sheriff;
(K) Date permit is issued;
(L) In lieu of an expiration date, the word "PROVISIONAL" shall appear on the permit; and
(M) Permit number assigned by the sheriff or designee pursuant to section 571.101.8, RSMo. The permit number shall include the three (3) digit county code followed by a unique permit number assigned to the individual obtaining the provisional permit.


(4) Any concealed carry permit or provisional concealed carry permit issued shall include the Missouri state seal in the manner and location prescribed in forms 1 and 2.

(5) Pursuant to section 571.101.8, RSMo, the permit shall be two inches wide by three and one-fourth inches long (2" × 3 1/4").

(6) The concealed carry permit or provisional concealed carry permit shall not include a photograph of the permit holder.

Concealed Carry Permit Samples:

MISSOURI CONCEALED CARRY PERMIT		
Permit Number XXX-XXXXXXX		
		
LAST NAME FIRST AND MIDDLE ADDRESS CITY, STATE ZIP		
Birthdate XX-XX-XXXX		
_____(Sheriff Signature)_____ County		
Permit Issue Date XX-XX-XXXX	Expiration Date XX-XX-XXXX	
Gender M/F	Height XX	Weight XXX
Eye Color XXXXX	Hair Color XXXXX	
Signature _____		

MISSOURI PROVISIONAL CONCEALED CARRY PERMIT		
Permit Number XXX-XXXXXXX		
		
LAST NAME FIRST AND MIDDLE ADDRESS CITY, STATE ZIP		
Birthdate XX-XX-XXXX		
_____(Sheriff Signature)_____ County		
Permit Issue Date XX-XX-XXXX	PROVISIONAL	
Gender M/F	Height XX	Weight XXX
Eye Color XXXXX	Hair Color XXXXX	
Signature _____		

AUTHORITY: section 571.101, HCS for SB 75, First Regular Session, Ninety-seventh General Assembly 2013. Emergency rule filed Aug. 2, 2013, effective Aug. 28, 2013, expires Feb. 27, 2014. Original rule filed Aug. 2, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Public Safety, Director's Office, attention Darla Iven, PO Box 749, Jefferson City, MO 65102 or to Darla.iven@dps.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 2—Income Maintenance

PROPOSED AMENDMENT

13 CSR 40-2.010 General Application Procedures. The division is amending sections (1)–(6).

PURPOSE: This amendment updates the process for filing an application for benefits with the Family Support Division.

(1) Any person [who believes s/he is eligible for or in need of

any type of assistance or service administered by the Division of Family Services] shall have the right to file an application included herein for any type of assistance or service administered by the Family Support Division. [The interviewer] The Family Support Division shall inform the applicant [as to] of the types of assistance and service which are available, the requirements of eligibility, and [the] additional information necessary, if any, to determine eligibility. [The interviewer also shall give each applicant for Aid to Dependent Children (ADC) an information pamphlet, prepared by the Division of Family Services, which includes written notification of appeal rights.]

(2) Applications must be [disposed of promptly so that eligible persons will receive assistance as promptly as possible. Applications must be filed in the county family services office of the county in which the applicant resides on forms furnished by the county family services office. If the applicant is unable to come to the county office because of physical or mental disability, the application may be accepted in the home, institution or other place of residence.] approved or denied in accordance with the timeframes established by federal and state law except when—

(A) The application is incomplete or is missing information that is necessary to complete an eligibility determination;

(B) The division cannot reach a decision because the applicant or an examining physician delays or fails to provide the information necessary to make an eligibility determination; or

(C) The division experiences an administrative, technological, or other emergency beyond the division's control.

(3) Failure to make a decision within the timeframes established by federal and state law does not result in an automatic determination that the applicant is eligible for any type of assistance or service.

(4) Applications submitted by mail, telephone, or any commonly available electronic means shall be accepted and treated the same as an in-person filing of an application.

(5) An application is not considered complete without a signature. Signature shall include electronic, telephonically recorded, and handwritten signatures.

(6) All information provided to the Family Support Division, shall be true, accurate, and complete.

[(2) For Aid to Families with Dependent Children (AFDC) applications (unless there are unusual or extreme circumstances), prompt disposition means that there shall not be more than forty-five (45) days between the date of application and—a) the date of mailing of first check, if eligible, or b) date of notice of rejection, if ineligible. If a decision as to eligibility has not been made between the thirtieth and the thirty-eighth day, a presumptive eligibility determination as to the reason for delay in processing an AFDC application will be made.

(3) In those ADC cases where an eligible applicant does not receive the first payment for the month in which the thirtieth day after application occurs, a delayed payment will be made for that month and any later months that occur before the application was approved.

(4) The guardian shall file the application for any person for whom a guardian has been legally appointed. Lack of guardian, in case of obvious mental incompetence, shall not delay or hinder the filing of an application by any such person.]

AUTHORITY: section 207.020, RSMo [1986] 2000, and section 208.995, CCS HCS SB 127, First Regular Session, Ninety-seventh General Assembly, 2013. This version filed March 24, 1976. Previous versions of this rule which were merged to form this rule: 1) Original rule filed Feb. 20, 1947, effective March 2, 1947; 2) Original rule filed Nov. 3, 1950, effective Nov. 13, 1950. Amended: June 20, 1951, effective June 30, 1951. Amended: Sept. 26, 1951, effective Oct. 6, 1951. Amended: June 13, 1974, effective June 23, 1974; 3) Original rule filed Nov. 3, 1950, effective Nov. 13, 1950. Amended: June 15, 1967, effective June 25, 1967. Amended: June 6, 1968, effective June 16, 1968. Amended: July 1, 1968, effective July 10, 1968. Amended: June 1, 1971, effective June 10, 1971. Amended: June 13, 1974, effective June 23, 1974; and 4) Original rule filed June 30, 1972, effective July 9, 1972. Amended: March 1, 1973, effective March 10, 1973. Amended: June 13, 1974, effective June 23, 1974. Emergency amendment filed Aug. 3, 1987, effective Aug. 13, 1987, expired Dec. 1, 1987. Amended: Filed Aug. 3, 1987, effective Jan. 14, 1988. Amended: Filed July 31, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Department of Social Services, Family Support Division, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 7—Family Healthcare

PROPOSED RULE

13 CSR 40-7.010 Scope and Definitions

PURPOSE: The purpose of this rule is to define terms that are used in determining eligibility for Family MO HealthNet programs and the Children's Health Insurance Program (CHIP).

(1) For purposes of this chapter, the following definitions shall apply:

(A) "Applicant" is the adult who completes and submits an application for a Family MO HealthNet Program or CHIP program, whether for themselves or on behalf of someone else;

(B) "Child" or "Children" means a person or persons who are under nineteen (19) years of age;

(C) "Children's Health Insurance Program" or "CHIP" means the health assistance provided to uninsured, low income children under Title XXI of the Social Security Act and established in sections 208.631 through 208.658, RSMo;

(D) "Division" means the Family Support Division, Department of Social Services;

(E) "Electronic data hub" means any electronic service established by the Secretary of the United States Department of Health and Human Services, through which the division may verify certain information with, or obtain such information from, federal agencies and other data sources;

(F) "Family Mo HealthNet programs" means MO HealthNet benefits provided to participants under the MO HealthNet for Families (MHF) program, MO HealthNet for Kids (MHK) program, MO HealthNet for Pregnant Women (MPW) program, and Uninsured Woman's Health Services (UWHS) program. Family MO HealthNet programs also include presumptive eligibility for any of the above programs;

(G) "Non-custodial parent" means the parent who does not have physical custody of the child.

1. A court order, judgment, decree or any legally enforceable separation, divorce, or custody agreement establishing which party has physical custody shall control who is the custodial parent.

2. If there is no such order or agreement, or the order or agreement is silent, or in the event of joint custody, the custodial parent is the parent with whom the child expects to spend more than fifty percent (50%) of his or her overnight visits in the year for which eligibility is being determined.

3. In the case of true joint physical custody where the child spends an equal amount of overnight visits with both parents, the non-custodial parent is the parent who does not claim the child as part of their tax household;

(H) "Parent" means a natural or biological, adopted, or stepparent;

(I) "Participant" means any individual who has applied for, is receiving, or has been denied Family MO HealthNet benefits or CHIP benefits;

(J) "Sibling" means a natural or biological, adopted, half or step sibling;

(K) "Reasonable Compatibility" means the information received by the division, is not in conflict with other information known by the division. Income information is "reasonably compatible" if the sources of information are above or both are at or below the applicable income standard or other relevant income threshold limit, or the difference between the sources of the income information is ten percent (10%) or less and the sources of income are similar;

(L) "Tax Dependent" means an individual for whom another individual claims a deduction for a personal exemption under Internal Revenue Code, section 151 for a taxable year; and

(M) "Taxpayer" means an individual who expects to file a tax

return for the taxable year in which an initial determination or renewal of eligibility is being made and who does not expect to be claimed as a tax dependent by another individual.

AUTHORITY: section 207.020, RSMo 2000, and section 208.995, CCS HCS SB 127, First Regular Session, Ninety-seventh General Assembly, 2013. Original rule filed July 31, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Family Support Division, PO Box 2320, Jefferson City, MO 65102-2320. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare**

PROPOSED RULE

13 CSR 40-7.015 Application Procedure for Family MO HealthNet programs and the Children's Health Insurance Program (CHIP)

PURPOSE: This rule defines the application procedures for Family MO HealthNet programs or the Children's Health Insurance Program (CHIP).

(1) General application procedures for programs administered by the Family Support Division are found at 13 CSR 40-2.010. For anything in this section conflicting with the general application procedures, this regulation controls for the application procedures for Family MO HealthNet programs or the Children's Health Insurance Program (CHIP).

(2) An application for Family MO HealthNet programs or the Children's Health Insurance Program (CHIP) may be obtained by contacting one (1) of the following sources:

- (A) An insurance exchange, whether federally facilitated, state based, or operated on a partnership basis;
- (B) The Family Support Division Contact Center;
- (C) A Family Support Division office; or
- (D) Accessing the Department of Social Services website www.dss.mo.gov.

(3) An application for Family MO HealthNet program or the Children's Health Insurance Program (CHIP) shall be accepted by mail, telephone, or in person at any Family Support office, or via the department's Internet website found at www.dss.mo.gov. The division shall also accept applications through providers who the division contracts with in order to facilitate eligibility decisions.

(4) The following individuals may apply for Family MO HealthNet or the Children's Health Insurance Program (CHIP) on behalf of a participant:

- (A) The participant;
- (B) An adult who is in the participant's household;
- (C) A member of the participant's family, as defined in the Internal Revenue Code section 36B(d)(1);
- (D) An authorized representative of the participant;

(E) If the participant is a minor or incapacitated person—

- 1. A parent;
- 2. An authorized representative; or
- 3. A guardian or conservator; or

(F) An individual with a valid power of attorney to act on behalf of the participant.

(5) The applicant shall provide and attest to the following information when making an application for Family MO HealthNet benefits or CHIP benefits:

- (A) The name of each individual who resides with the participant;
- (B) The name of each individual who the participant claims or intends to claim on his or her federal income tax returns;
- (C) The name of any person who claims or intends to claim the participant as a dependent on his or her federal tax forms; and
- (D) For the participant, and each person listed in subsections (5)(A), (5)(B), or (5)(C), the applicant shall provide the following information:

- 1. Relationship to the applicant;
- 2. Physical Address;
- 3. Mailing address, if different from physical address;
- 4. Date of Birth;
- 5. Gender;
- 6. Social Security Number, in accordance with section (6) of this rule;
- 7. Intent to file taxes or be claimed as a tax dependent on someone else's taxes;
- 8. Whether the participant is pregnant;
- 9. Any physical, mental, or emotional health condition that causes limitations in activities of daily living;
- 10. Residence in a medical facility or nursing home;
- 11. Citizenship or immigration status;
- 12. Race (optional);
- 13. Employment status, employer name and address, hours employed, and rate of pay;
- 14. Any and all sources of income and amounts;
- 15. Any federal tax deductions entitled for alimony paid or student loan interest;
- 16. Enrollment in any health care coverage, name of insurer, policy number, and any limitations on the coverage;
- 17. If he or she or anyone in their family is American Indian or Alaska Native. If any person is, information about tribe affiliation, services, and income received from benefits must be disclosed;
- 18. Details concerning any health coverage which is available to him or her through a job. This includes coverage that is offered through someone else's job, such as a parent or spouse; and
- 19. If a participant is a child, the name and address of any parent living outside the home.

(6) Social Security Numbers are requested of every person who is required to be on the application pursuant to subsections (5)(A), (5)(B), or (5)(C).

(A) If the person is a participant in MO HealthNet, the person's Social Security Number shall be included.

(B) If the person is not a participant in MO HealthNet, the inclusion of the Social Security Number is voluntary.

(C) Social Security Numbers are to be used only for the purpose of determining a participant's eligibility for MO HealthNet or for a purpose directly connected to the administration of MO HealthNet.

(7) The applicant shall sign an assignment of rights to the MO HealthNet Division to pursue and recover money owed for medical expenses from any applicable insurance policies, legal settlements or judgments, or other liable or potentially liable third parties.

(8) The applicant shall sign an assignment of rights to pursue and obtain medical support from a parent or spouse who owes such a duty.

(9) The participant and applicant shall disclose all information which may impact eligibility for any MO HealthNet program. The participant and applicant have a continuing obligation to notify the division if any information specified in the application changes within ten (10) days of the change. The continuing duty includes, but is not limited to disclosing any changes in income of the participant or household member, changes in residence or mailing address, and the addition or removal of any individual from the household whose information is or was required to be submitted.

(10) The applications shall be signed under penalty of perjury, attesting to the information provided as true, accurate, and complete.

AUTHORITY: section 207.020, RSMo 2000, and section 208.995, CCS HCS SB 127, First Regular Session, Ninety-seventh General Assembly, 2013. Original rule filed July 31, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Family Support Division, PO Box 2320, Jefferson City, MO 65102-2320. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare**

PROPOSED RULE

13 CSR 40-7.020 Household Composition

PURPOSE: The purpose of this rule is to explain the Household Composition Standard for Family MO HealthNet programs and the Children's Health Insurance Program (CHIP).

- (1) A household shall include the taxpayer and all tax dependents.
- (A) In the case of a married couple living together, each spouse shall be included in the household of the other spouse regardless of whether they expect to file jointly or whether one (1) spouse is expected to be declared as a tax dependent of the other spouse.
- (B) In determining the household size of a pregnant woman, the division shall count the pregnant woman plus the number of unborn children she is expecting to deliver. In determining the household size of other individuals who have a pregnant woman in the household the pregnant woman is considered as one (1) person.
- (C) If a taxpayer cannot reasonably establish that another individual is a tax dependent for the tax year for which eligibility is sought, the inclusion of such individual in the household shall be determined in accordance with section (3) of this rule.

(2) In the case of a participant who expects to be claimed as a tax dependent by another taxpayer for the taxable year in which an initial determination or renewal of eligibility is being made, the participant's household is the household of the taxpayer claiming such individual as a tax dependent with the following exceptions:

- (A) Family members and unrelated individuals claimed as a tax dependent by a taxpayer other than a parent or spouse;
- (B) Children claimed as a tax dependent by the non-custodial parent; or

(C) Children who expect to be claimed by one parent as a tax dependent and are living with both parents but whose parents do not expect to file a joint tax return.

(3) For participants who do not expect to file a tax return, who do not intend to be claimed as a tax dependent, or tax dependents that fall into an exception under subsections (2)(A), (2)(B), or (2)(C) of this rule, the household shall consist of—

- (A) The participant;
- (B) The spouse of the participant if living with the participant;
- (C) Children of the participant if living with the participant; and
- (D) For participants who are children:
1. The participant's parents who live with the participant;
 2. Any siblings, who are also dependent children, who live with the participant.

(4) This rule shall be effective for all eligibility decisions made on January 1, 2014, and any date after.

AUTHORITY: section 207.020, RSMo 2000, and section 208.995, CCS HCS SB 127, First Regular Session, Ninety-seventh General Assembly, 2013. Original rule filed July 31, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Family Support Division, PO Box 2320, Jefferson City, MO 65102-2320. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare**

PROPOSED RULE

13 CSR 40-7.030 Calculation of Modified Adjusted Gross Income (MAGI)

PURPOSE: The purpose of this rule is to explain how Modified Adjusted Gross Income (MAGI) is calculated for the Family MO HealthNet programs and the Children's Health Insurance Program (CHIP).

(1) Modified Adjusted Gross Income (MAGI) based income means income calculated using the same financial methodologies used to determine modified adjusted gross income as defined in section 36B(d)(2)(B) of the Internal Revenue Code, with the exceptions listed below.

(A) Any lump sum gift or income is included as income only in the month in which it is received.

(B) Scholarships and grants which are used for educational purposes, and not for living expenses are excluded from income.

(C) The following Alaskan Native and American Indian benefits and distributions are excluded from income:

1. Distributions from Alaska Native Corporations and Settlement Trusts;
2. Distributions from any property held in trust, subject to federal restrictions, located within the most recent boundaries of a prior federal reservation, or otherwise under the supervisions of the Secretary of the Interior;

3. Distributions and payments from rents, leases, rights of way, royalties, usage rights, or natural resources extraction and harvest from:

A. Rights of ownership or possession in any lands described in paragraph (1)(C)2. of this rule; or

B. Federally protected rights regarding off-reservation hunting, fishing, gathering, or usage of natural resources;

4. Distributions resulting from real property ownership interests related to natural resources and improvements:

A. Located on or near a reservation or within the most recent boundaries of a prior federal reservation; or

B. Resulting from the exercise of federally-protected rights relating to such real property ownership interests;

5. Payments resulting from ownership interests in or usage rights to items that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable Tribal Law or custom; and

6. Student financial assistance provided under the Bureau of Indian Affairs education programs.

(2) Eligibility determinations for participants for Family MO HealthNet programs and CHIP shall be based on a household's current monthly income and household size. A household's income is the sum of the Modified Adjusted Gross Income (MAGI) based income as defined above of every individual included in the participant's household.

(A) The division shall take into consideration reasonable anticipated changes in income that exist at initial determination such as seasonal or time based employment sources and periods, or the known ending period of employment or an income source.

(B) Income of a child shall not be included in the household if the child is not required to file a tax return under the Internal Revenue Code, section 6012(a)(1) for the taxable year in which eligibility is being determined, regardless if the child expects to or actually filed a tax return.

(3) This rule shall be effective for all eligibility decisions made on January 1, 2014, or any date after.

AUTHORITY: section 207.020, RSMo 2000, and section 208.995, CCS HCS SB 127, First Regular Session, Ninety-seventh General Assembly, 2013. Original rule filed July 31, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Family Support Division, PO Box 2320, Jefferson City, MO 65102-2320. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 7—Family Healthcare**

PROPOSED RULE

13 CSR 40-7.040 Verification Procedures

PURPOSE: The purpose of this rule is to explain what Verification Procedures the Family Support Division will use when determining eligibility for Family MO HealthNet programs and the Children's Health Insurance Program (CHIP).

(1) The division shall verify all eligibility factors, through available means, including information obtained through the electronic data hub, a participant's statements, or other information the division has obtained. Verification shall occur upon application and recertification, and at any other time necessary to verify continued eligibility.

(A) The division shall verify eligibility information of a participant through the electronic data hub.

(B) If the information obtained through the electronic data hub is reasonably compatible with information provided by or on behalf of the participant, the division shall use the participant's information as verification for eligibility.

(C) If reasonably compatible standards are not met, secondary verification is required. Secondary verification may include the following:

1. Other electronic data sources available;

2. Other information, including paper documentation; or

3. A written statement which reasonably explains the discrepancy.

(2) If verification cannot be obtained by the division through the electronic data hub, or if the information is not reasonably compatible with other information provided, the division shall ask for any additional information from or on behalf of the participant needed in order to verify the information.

(A) The participant shall provide the required verification within ten (10) days from the date that the division requests the information in writing.

(B) If a participant fails to provide the requested verification within ten (10) days from the date of the written request the division shall issue an adverse action notice to the participant notifying them that their coverage is denied or their coverage shall terminate ten (10) days from the date of the adverse action notice.

(C) The participant shall be given the right to request a hearing on the issue pursuant to section 208.080, RSMo. Failure on the part of the participant to request a hearing shall result in termination of coverage upon expiration of the adverse action notice.

(3) This rule shall be effective for all eligibility decisions made on January 1, 2014, and any date after.

AUTHORITY: section 207.020, RSMo 2000, and section 208.995, CCS HCS SB 127, First Regular Session, Ninety-seventh General Assembly, 2013. Original rule filed July 31, 2013.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Family Support Division, PO Box 2320, Jefferson City, MO 65102-2320. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 11—Navigators**

PROPOSED RULE

20 CSR 400-11.100 Navigator Examination and Licensing Procedures and Standards

PURPOSE: This rule prescribes the application process, fees, examination, and initial training for navigators.

(1) Application and Fees. Application for a navigator license shall include the following, as applicable:

(A) Initial Licensure.

1. Individual navigator.

A. A completed application form, which is included herein as Exhibit 1 of this rule revised July 24, 2013, or any form which substantially comports with the specified form.

B. Twenty-five dollar (\$25) application fee.

2. Entity navigator.

A. A completed application form, which is included herein as Exhibit 2 of this rule revised July 24, 2013, or any form which substantially comports with the specified form.

B. Fifty dollar (\$50) application fee.

C. List of all Missouri-licensed navigators conducting business on behalf of the entity.

(2) Required Examination.

(A) Before an individual may be licensed as a navigator, the applicant must first take and pass an examination testing the individual's knowledge regarding health insurance, health insurance exchanges, and navigator roles and responsibilities. The department may contract with an independent testing service(s) to administer an examination. In order to take the examination, an individual must register and pay an applicable testing fee.

(B) An individual may satisfy the examination requirement by demonstrating achievement of a passing score on any approved certification examination that allows the individual to perform duties identified in 42 U.S.C. section 18031(i) or related duties, irrespective of whether the examination is for purposes of serving as a navigator, certified application counselor, in-person assister, or health center outreach and enrollment assistance worker.

(3) Initial Training. Initial training shall be that training which is sufficient to pass the examination referenced in section (2) above.



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION
APPLICATION FOR NAVIGATOR LICENSE

EXHIBIT 1

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE					
1. SOCIAL SECURITY NUMBER			2. DATE OF BIRTH		
3. LAST NAME		JR./SR., ETC.	4. FIRST NAME		5. MIDDLE NAME
6. RESIDENCE/HOME ADDRESS (PHYSICAL STREET)		7. P.O. BOX	8. CITY		9. STATE
					10. ZIP CODE
					11. COUNTRY
12. HOME TELEPHONE NUMBER			13. MOBILE TELEPHONE NUMBER		14. PERSONAL EMAIL ADDRESS
15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female		16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen?			
17. BUSINESS ENTITY NAME					
18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET)		19. P.O. BOX	20. CITY		21. STATE
					22. ZIP CODE
					23. COUNTRY
24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.)		25. BUSINESS FAX NUMBER		26. BUSINESS E-MAIL ADDRESS	
				27. BUSINESS WEBSITE ADDRESS	
28. APPLICANT'S MAILING ADDRESS		29. P.O. BOX	30. CITY		31. STATE
					32. ZIP CODE
					33. COUNTRY
34. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST.					

BACKGROUND INFORMATION

35. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime? ☐ YES ☐ NO

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a written statement explaining the circumstances of each incident,
- a certified copy of the charging document, and
- a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration? ☐ YES ☐ NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions, in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a written statement identifying the type of license and explaining the circumstances of each incident,
- a copy of the Notice of Hearing or other document that states the charges and allegations, and
- a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

BACKGROUND INFORMATION

3. Have you failed to pay state or federal income tax?

☐ YES ☐ NO

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each administrative or court order;
- b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.);
- c) a certified copy of each administrative or court order, judgment, and/or lien; and
- d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).

4. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

5. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?

☐ YES ☐ NO

Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?

☐ YES ☐ NO

Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a navigator license, and
- b) copies of all relevant documents.

6. Do you currently have or have you had a child support obligation?

☐ YES ☐ NO

If you answer yes:

a) are you in arrearage?

☐ YES ☐ NO

b) by how many months are you in arrearage? _____ months

c) what is the total amount of your arrearage? _____

d) are you currently subject to a repayment agreement to cure the arrearage?

☐ YES ☐ NO

e) are you in compliance with said repayment agreement?

☐ YES ☐ NO

f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

☐ YES ☐ NO

g) have you ever been convicted of a misdemeanor or felony for failure to pay child support?

☐ YES ☐ NO

EMPLOYMENT HISTORY

36. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education.

			FROM		TO		POSITION HELD
			MONTH	YEAR	MONTH	YEAR	
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					
NAME							
CITY	STATE	COUNTRY					

EXAMINATION REQUIREMENT

37. Have you successfully passed a written examination relating to the license for which you are applying? ☐ YES ☐ NO

UPON SUCCESSFUL PASSAGE, PROVIDE DOCUMENTATION TO MO DIFP - INSURANCE.

APPLICANT'S CERTIFICATION AND ATTESTATION

38. The Applicant must read the following very carefully:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
3. I further certify under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 35.3.
4. I further certify, under penalty of perjury, that a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.

ORIGINAL APPLICANT SIGNATURE

FULL LEGAL NAME (PRINTED OR TYPED)

DATE (MONTH/DAY/YEAR)

INSTRUCTIONS

1. All applicants must submit a \$25 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Mail completed application to: MO DIFP – Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001

EXHIBIT 2



MISSOURI DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
LICENSING SECTION
APPLICATION FOR NAVIGATOR ENTITY LICENSE

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE				
1. NAVIGATOR ENTITY NAME		2. INCORPORATION/FORMATION DATE (MONTH/DAY/YEAR)		3. FEIN
4. LIST ALL NAMES UNDER WHICH YOU ARE DOING BUSINESS		5. STATE OF DOMICILE		6. COUNTRY OF DOMICILE
7. CONTACT NAME				
8. BUSINESS ADDRESS		9. CITY		10. STATE
11. ZIP OR FOREIGN COUNTRY				
12. TELEPHONE NUMBER		13. FAX NUMBER		14. BUSINESS WEBSITE ADDRESS
15. BUSINESS EMAIL ADDRESS				
16. MAILING ADDRESS		17. P.O. BOX		18. CITY
				19. STATE
20. ZIP OR FOREIGN COUNTRY				

BACKGROUND INFORMATION

21. Please read the following very carefully and answer every question. All copies of documents must be certified. All written statements submitted by the Applicant must include an original signature.

1. Has the navigator entity or any owner, partner, officer or director ever been convicted of, or is the navigator entity or any owner, partner, officer or director currently charged with, committing a crime, whether or not adjudication was withheld? ☐ YES ☐ NO

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Whether or not adjudication was withheld" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Has the navigator entity or any owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license? ☐ YES ☐ NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

3. Has the navigator entity or any owner, partner, officer or director ever been notified of any delinquent income tax obligation? ☐ YES ☐ NO

If you answer yes, identify the jurisdiction(s): _____

4. Is the navigator entity or any owner, partner, officer or director a party to, or ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach or fiduciary duty? ☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

APPLICANT'S CERTIFICATION AND ATTESTATION

22. The undersigned owner, partner, officer or director of the navigator entity hereby certifies, under penalties of perjury, that:

1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation and may subject me and the navigator entity to civil or criminal penalties.
2. The navigator entity grants permission to the Department to verify any information supplied herein with any federal, state or local government agency.
3. I authorize the Director to give any information concerning the navigator entity or any owner, partner, officer or director, to any federal, state or municipal agency, or any other organization and I release the Director and any person acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
4. I acknowledge that I am familiar with the navigator laws and regulations of Missouri.
5. If required, I have received a Certificate of Good Standing from Missouri's Secretary of State.

SIGNATURE

TYPED OR PRINTED NAME

TITLE

SOCIAL SECURITY NUMBER

ADDRESS (CITY, STATE, ZIP CODE)

NOTARY

NOTARY PUBLIC EMBOSSE OR
BLACK INK RUBBER STAMP SEAL

STATE

COUNTY (OR CITY OF ST. LOUIS)

SUBSCRIBED AND SWORN BEFORE ME, THIS

DAY OF

YEAR

USE RUBBER STAMP IN CLEAR AREA BELOW.

NOTARY PUBLIC SIGNATURE

MY COMMISSION
EXPIRES

NOTARY PUBLIC NAME (TYPED OR PRINTED)

INSTRUCTIONS

Application for initial licensure for a navigator entity shall include the following, as applicable:

1. A completed Application for Navigator Entity License.
2. \$50 fee in the form of a check or money order, made payable to DIFP - Insurance.
3. Attach a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity. (Changes to this list shall be reported to the department within twenty days of the change.)
4. Mail completed application packet to:
MO DIFP – Insurance
PO Box 4001
Jefferson City MO 65102-4001

AUTHORITY: section 374.045, RSMo Supp. 2012 and CCS HCS SS SB 262, First Regular Session, Ninety-seventh General Assembly 2013, sections 376.2000–376.2014, RSMo Supp. 2012. Emergency rule filed July 24, 2013, effective Aug. 3, 2013, expires Jan. 29, 2014. Original rule filed July 24, 2013.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-nine thousand five hundred twenty-three dollars (\$99,523) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities fourteen thousand two hundred fifty dollars (\$14,250) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Amy V. Hoyt, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on October 4, 2013, at the Harry S Truman State Office Building, Room 850, 301 West High Street, Jefferson City, Missouri.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PUBLIC COST**

**I. Department of Insurance, Financial Institutions and Professional Registration
Division 400 – Life, Annuities and Health
Chapter 11 - Navigators**

Rule Number and Name:	20 CSR 400-11.100 Navigator Examination and Licensing Procedures and Standards
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Insurance, Financial Institutions and Professional Registration	\$99,523

III. WORKSHEET

Personnel by Position	FTEs	Annual Salary	
Investigator II	1	\$36,672	
Insurance Licensing Tech	1	\$23,136	
Total Salaries		\$59,808	
Fringe Benefits		\$31,603	
TOTAL SALARIES AND BENEFITS		\$91,411	
Equipment by Item	Units	Unit Cost	Total
Computer	2	\$706	\$1,412
PC Software	2	\$655	\$1,310
Voice/Data Wiring	2	\$425	\$850
Chair	2	\$399	\$798
Side Chair	2	\$139	\$278
File Cabinet	2	\$586	\$1,172
Phone	2	\$286	\$572
System Furniture	2	\$4,000	\$8,000
TOTAL EQUIPMENT			\$14,392
Expenses	Units	Unit Cost	Total
Travel	1	\$2,500	\$2,500
State Data Center	2	\$250	\$500
Office Supplies	2	\$345	\$690
Communications	2	\$240	\$480
Professional Development	2	\$400	\$800
TOTAL EXPENSES			\$4,970
TOTAL SALARIES, BENEFITS, EQUIPMENT AND EXPENSES			\$110,773

LICENSING FEES	Units	Application Fee	Total
Navigator Entity	75	\$50.00	\$3,750
Navigator Individual	300	\$25.00	\$7,500
TOTAL FEES			\$11,250
TOTAL			\$99,523

IV. ASSUMPTIONS

The proposed rule outlines requirements for licensing navigators in Missouri. The fiscal note for SB 262 included the addition of two FTE, one (1.00) Licensing Technician I FTE to review and process navigator licensure applications and one (1.00) Investigator II FTE, to ensure compliance with the new regulatory requirements and investigate consumer complaints against navigators. These positions have not yet been requested in the budget.

In the proposed rule, the Department establishes fees of \$25 for a two-year individual navigator license, and \$50 for a two-year navigator entity license. The Department estimates that approximately 300 individuals will apply for licensure as navigators, and 75 entities will seek licensure as navigator entities. These estimates are based on anticipated numbers of navigator entities and individual navigator from other states, as well as an informal survey of entities in Missouri that have applied for federal navigator grants.

**FISCAL NOTE
PRIVATE COST**

**I. Department of Insurance, Financial Institutions and Professional Registration
Division 400 – Life, Annuities and Health
Chapter 11 - Navigators**

Rule Number and Title:	20 CSR 400-11.100 Navigator Examination and Licensing Procedures and Standards
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
300 Individuals	Individuals seeking to be licensed under state law as navigators.	\$10,500
75 Entities	Entities who act as navigators, supervise the activities of individual navigators, or receive funding to perform navigator duties	\$3,750

III. WORKSHEET

	UNITS	APPLICATION FEE	EXAMINATION FEE	TOTAL
Navigator Entity	75	\$50.00	\$0	\$3,750
Navigator Individual – Federally Examination	270	\$25.00	\$0	\$6,750
Navigator Individual – State Only	30	\$25.00	\$100.00	\$3,750
TOTAL				\$14,250

IV. ASSUMPTIONS

In the proposed rule, the Department establishes fees of \$25 for a two-year individual navigator license, and \$50 for a two-year navigator entity license. The Department

estimates that approximately 300 individuals will apply for licensure as navigators, and 75 entities will seek licensure as navigator entities. These estimates are based on anticipated numbers of navigator entities and individual navigator from other states, as well as an informal survey of entities in Missouri that have applied for federal navigator grants. The Department estimates that the majority of the individuals applying for licensure as a navigator will also receive training and take an examination administered free of charge by the U.S. Department of Health and Human Services (HHS). Under the terms of the rule, these individuals will be able to satisfy the examination requirement through the federally-administered examination. The Department estimates that approximately 10% of individuals applying for licensure as a navigator will not take the federal training or examination. The Department will contract with an entity or entities to administer an examination for those applicants. The final fee for the state examination has not yet been established, but the Department estimates it will be no more than \$100.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2232-1.040 Fees. The committee is proposing to amend section (1).

PURPOSE: This amendment adds inactive and reactivation fees and a fingerprinting fee paid to the Missouri State Highway Patrol.

(1) The following fees are established and are payable in the form of a cashier's check, personal check, or money order:

(D) Inactive fee	\$ 30
(E) Reactivation fee	\$ 60
[(D)](F) Temporary License Fee	\$ 25
(G) Fingerprinting fee	
Amount to be determined by the	
Missouri State Highway Patrol	
[(E)](H) Insufficient Funds Check Fee	\$ 25
[(F)](I) Mentorship Application Fee	\$ 10

AUTHORITY: section 209.328.2(2), RSMo 2000, and sections 43.543 and 324.039, RSMo Supp. 2012. This rule originally filed as 4 CSR 232-1.040. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed July 17, 2013.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately thirty-five dollars and sixty-one cents to thirty-six dollars and fifteen cents (\$35.61 to \$36.15) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately six hundred ninety dollars (\$690) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax to (573) 526-0661, or via email at interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2232 - Missouri State Committee of Interpreters

Chapter 1 - General Rules

Proposed Amendment - 20 CSR 2232-1.040 - Fees

Prepared April 16, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri State Committee of Interpreters		\$35.61
		to
		\$36.15
	Total Annual Cost of Compliance for the Life of the Rule	\$35.61 to \$36.15

III. WORKSHEET

The Licensure Technician II provides technical support, processes applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICA TION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$25,068 to \$26,316	\$37,955 to \$39,845	\$18.25 to \$19.16	\$0.30 to \$0.32	2 minutes	\$0.61 to \$0.64	18 Applicants	\$10.95 to \$11.49
								\$10.95 to \$11.49
					Total Personal Service Costs			\$11.49

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	18	\$11.70
License Printing and Postage	\$0.72	18	\$12.96
Total Expense and Equipment Costs			\$24.66

IV. ASSUMPTION

- Employee's salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
- It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, the private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration

Division 2232 - Missouri State Committee of Interpreters

Chapter 1 - General Rules

Proposed Amendment 20 CSR 2232-1.040 - Fees

Prepared April 16, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
13	Interpreters (Inactive License Fee @ \$30)	\$390
5	Interpreters (Reactivation Fee @ \$60)	\$300
Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule		\$690.00

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The board anticipates that 13 licensees will place their license on inactive status during a given biennial renewal cycle and that 5 inactive licensees will reactivate their license each cycle.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.
3. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.

Note: The board is statutorily obligated to enforce and administer the provisions of sections 256.450 to 256.483, RSMo. Pursuant to section 256.465, RSMo, the fees shall be set at an amount which shall not be more than that required to administer sections 256.450 to 256.483.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2232-2.010 Application for Licensure. The board is proposing to add new section (3) and renumber the subsequent section.

PURPOSE: This amendment adds a fingerprint requirement to the procedure to apply for licensure as an interpreter.

(3) An application for licensure shall include proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigations (FBI) fingerprint background check. Any fees due for fingerprinting background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).

[(3)](4) Following review by the committee or division staff, the applicant shall be informed in writing of the decision regarding the application for licensure.

AUTHORITY: section 43.543, RSMo Supp. 2012, and section 209.328.2(1) and (3), RSMo 2000. This rule originally filed as 4 CSR 232-2.010. Original rule filed Feb. 18, 1999, effective July 30, 1999. Moved to 20 CSR 2232-2.010, effective Aug. 28, 2006. Amended: Filed May 27, 2008, effective Nov. 30, 2008. Amended: Filed July 17, 2013.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred fifty-four dollars and thirty cents to one hundred fifty-six dollars and sixty-seven cents (\$154.30 to \$156.67) annually for the life of the rule and will increase revenue for the Missouri State Highway Patrol by approximately two thousand eight hundred forty-seven dollars to three thousand seven hundred seventy-five dollars (\$2,847 to \$3,775) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately two thousand eight hundred forty-seven dollars to three thousand seven hundred seventy-five dollars (\$2,847 to \$3,775) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax (573) 526-0661, or via email at interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2232 - Missouri State Committee of Interpreters

Chapter 2 - Licensure Requirements

Proposed Amendment - 20 CSR 2232-2.010 Application for Licensure

Prepared April 16, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Increase in Revenue	
Missouri State Highway Patrol		\$2,847.00
		to
		\$3,775.00
	Total Annual Increase in Revenue for the Life of the Rule	\$2,847.00
		to
		\$3,775.00

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri State Committee of Interpreters		\$154.30
		to
		\$156.67
	Total Annual Cost of Compliance for the Life of the Rule	\$154.30
		to
		\$156.67

III. WORKSHEET

The Licensure Technician II provides technical support, processes applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICA TION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$25,068 to \$26,316	\$37,955 to \$39,845	\$18.25 to \$19.16	\$0.30 to \$0.32	2 minutes	\$0.61 to \$0.64	78 Applicants	\$47.44 to \$49.81
								\$47.44 to \$49.81
					Total Personal Service Costs			\$49.81

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	78	\$50.70
License Printing and Postage	\$0.72	78	\$56.16
Total Expense and Equipment Costs			\$106.86

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, the private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Division 2232 - Missouri State Committee of Interpreters

Chapter 2 - Licensure Requirements

Proposed Amendment - 20 CSR 2232-2.010 Application for Licensure

Prepared April 16, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
78	Applicants for Licensure as An Interpreter (Background check @ \$36.50 to \$48.40)	\$ 2,847 to \$ 3,775
	Estimated Annual Cost of Compliance for the Life of the Rule	\$ 2,847 to \$ 3,775

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY12 actuals.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2232-2.020 Application for Temporary License. The board is proposing to add new section (3) and renumber the subsequent section.

PURPOSE: This amendment sets forth the fingerprinting requirements for applicants.

(3) An application for a temporary license shall include proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigations (FBI) fingerprint background check. Any fees due for fingerprinting background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).

[(3)](4) Following review by the committee, the applicant shall be informed in writing of the decision regarding the application for a temporary license.

AUTHORITY: section 43.543, RSMo Supp. 2012, and section 209.328.2(1) and (3), RSMo 2000. This rule originally filed as 4 CSR 232-2.020. Original rule filed Feb. 18, 1999, effective July 30, 1999. Moved to 20 CSR 2232-2.020, effective Aug. 28, 2006. Amended: Filed May 27, 2008, effective Nov. 30, 2008. Amended: Filed July 17, 2013.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately three dollars and ninety-six cents to four dollars and two cents (\$3.96 to \$4.02) annually for the life of the rule and will increase revenue for the Missouri State Highway Patrol by approximately seventy-three dollars to ninety-seven dollars (\$73 to \$97) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately seventy-three dollars to ninety-seven dollars (\$73 to \$97) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax (573) 526-0661, or via email at interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2232 - Missouri State Committee of Interpreters
Chapter 2 - Licensure Requirements
Proposed Amendment - 20 CSR 2232-2.020 Application for Temporary License
Prepared April 16, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Increase in Revenue	
Missouri State Highway Patrol		\$73.00
		to \$97.00
	Total Annual Increase in Revenue for the Life of the Rule	\$73.00 to \$97.00

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri State Committee of Interpreters		\$3.96
		to \$4.02
	Total Annual Cost of Compliance for the Life of the Rule	\$3.96 to \$4.02

III. WORKSHEET

The Licensure Technician II provides technical support, processes applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Processing Technician II	\$25,068 to \$26,316	\$37,955 to \$39,845	\$18.25 to \$19.16	\$0.30 to \$0.32	2 minutes	\$0.61 to \$0.64	2 Applicants	\$1.22 to \$1.28
					Total Personal Service Costs			\$1.22 to \$1.28

Expense and Equipment

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.65	2	\$1.30
License Printing and Postage	\$0.72	2	\$1.44
Total Expense and Equipment Costs			\$2.74

IV. ASSUMPTION

- Employee's salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.

2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, the private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment, and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Division 2232 - Missouri State Committee of Interpreters

Chapter 2 - Licensure Requirements

Proposed Amendment - 20 CSR 2232-2.020 Application for Temporary License

Prepared April 16, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Applicants for Temporary Licensure as an Interpreter (Background check @ \$36.50 to \$48.40)	\$ 73 to \$ 97
	Estimated Annual Cost of Compliance for the Life of the Rule	\$ 73 to \$ 97

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY12 actuals.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway patrol or its approved vendor.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2232—Missouri State Committee of Interpreters
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2232-2.030 Name and Address Change [and], License Renewal, and Inactive License. The board is proposing to add new section (5) and amend the rule title.

PURPOSE: This amendment allows currently licensed interpreters, at the time of renewal, to place their license on inactive status.

(5) Licensees who request to be classified inactive may maintain their inactive status and receive a license indicating their inactive status by paying the inactive license renewal fee as provided in 20 CSR 2232-1.040. A holder of an inactive license shall not have his or her license reactivated until he or she pays the required reactivation fee, and in addition, submits proof of a current and valid certification. If a holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee, and in addition, submit proof of a current and valid certification.

AUTHORITY: section 209.328.2, RSMo 2000, and section 324.039, RSMo Supp. 2012. This rule originally filed as 4 CSR 232-2.030. Original rule filed Feb. 18, 1999, effective July 30, 1999. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 17, 2013.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax (573) 526-0661, or via email at interpreters@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

PROPOSED RESCISSION

22 CSR 10-2.130 Additional Plan Options. This rule established the policy of the board of trustees in regard to the additional plan options provided by Missouri Consolidated Health Care Plan.

PURPOSE: This rule is being rescinded as additional plan options are no longer permitted by statute.

AUTHORITY: section 103.059, RSMo 2000, and section 103.080.3., RSMo Supp. 2012. Emergency rule filed Oct. 30, 2012, effective Jan. 1, 2013, expired June 29, 2013. Original rule filed Oct. 30, 2012, effective May 30, 2013. Emergency rescission filed July 16, 2013,

effective July 26, 2013, expires Jan. 21, 2014. Rescinded: Filed July 16, 2013.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions one hundred forty-one thousand eighty-one dollars (\$141,081) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities twenty-five thousand eight hundred twenty-five dollars (\$25,825) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: 22 - Missouri Consolidated Health Care Plan
Division Title: Division 10
Chapter Title: Chapter 2**

Rule Number and Name:	22 CSR 10-2.130 Additional Plan Options
Type of Rulemaking:	Proposed Rescission

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Consolidated Health Care Plan	\$141,081

III. WORKSHEET

Estimated cost is the administrative MCHCP cost for communicating the rescission of this rule, transferring members to the new plans, and the increase in premium for the 6,025 individuals currently enrolled in an MCHCP plan without birth control for the remainder of the calendar year 2013.

IV. ASSUMPTIONS

- Additional member communication costs including design, printing and postage.
- Cost to move members to plan with contraceptive coverage includes cost for manual adjustment to claims for roll-up of families.
- Total enrollment under in MCHCP plans without birth control is 6,025 as of July 12, 2013.
- Calendar year 2013 membership of members in plans remains relatively stable.
- Calendar year 2013 rates remain relatively stable.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 22 - Missouri Consolidated Health Care Plan**
Division Title: Division 10
Chapter Title: Chapter 2

Rule Number and Title:	22 CSR 10-2.130 Additional Plan Options
Type of Rulemaking:	Proposed Rescission

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6,025 individuals enrolled in MCHCP plans without birth control for CY 2013		\$25,825

III. WORKSHEET

Estimated cost is the increase in premium for the 6,025 individuals currently enrolled in an MCHCP plan without birth control for the remainder of the calendar year 2013.

IV. ASSUMPTIONS

- Total enrollment under in MCHCP plans without birth control is 6,025 as of July 12, 2013.
- Calendar year 2013 membership of members in plans remains relatively stable.
- Calendar year 2013 rates remain relatively stable.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 3—Public Entity Membership**

PROPOSED RESCISSION

22 CSR 10-3.130 Additional Plan Options. This rule established the policy of the board of trustees in regard to the additional plan options provided by Missouri Consolidated Health Care Plan.

PURPOSE: This rule is being rescinded as additional plan options are no longer permitted by statute.

AUTHORITY: section 103.059, RSMo 2000, and section 103.080.3., RSMo Supp. 2012. Emergency rule filed Oct. 30, 2012, effective Jan. 1, 2013, expires June 29, 2013. Original rule filed Oct. 30, 2012, effective May 30, 2013. Emergency rescission filed July 16, 2013, effective July 26, 2013, expires Jan. 21, 2014. Rescinded: Filed July 16, 2013.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions two thousand four hundred dollars (\$2,400) in the aggregate.

PRIVATE COST: This proposed rescission will cost private entities two thousand one hundred dollars (\$2,100) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: 22 - Missouri Consolidated Health Care Plan**
Division Title: Division 10
Chapter Title: Chapter 3

Rule Number and Name:	22 CSR 10-3.130 Additional Plan Options
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Consolidated Health Care Plan	\$300
Public Entities enrolled through MCHCP	\$2,100

III. WORKSHEET

Estimated cost is the administrative MCHCP cost for communicating the rescission of this rule and transferring members to the new plans. Estimated cost for public entities is the annual cost of 50 percent of the increase in premium for the 187 individuals currently enrolled in a plan without birth control for the remainder of the calendar year 2013.

IV. ASSUMPTIONS

- Additional member communication costs including design, printing and postage.
- Total enrollment under all public entity plans without birth control is 187 as of July 12, 2013.
- Calendar year 2013 membership in the public entity plans remains relatively stable;
- Calendar year 2013 rates remain relatively stable;
- Calculations assume each public entity is contributing 50 percent of the Active Employee Only premium;

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 22 - Missouri Consolidated Health Care Plan
Division Title: Division 10
Chapter Title: Chapter 3**

Rule Number and Title:	22 CSR 10-3.130 Additional Plan Options
Type of Rulemaking:	Proposed Rescission

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
187 individuals enrolled in MCHCP public entity plans without birth control for CY 2013		\$2,100

III. WORKSHEET

Estimated cost is the annual cost of 50 percent of the increase in premium for the 187 individuals currently enrolled in a plan without birth control for the remainder of the calendar year 2013.

IV. ASSUMPTIONS

- Total enrollment under all public entity plans without birth control is 187 as of July 12, 2013;
- Calendar year 2013 membership in the public entity plans remains relatively stable;
- Calendar year 2013 rates remain relatively stable;
- Calculations assume each public entity is contributing 50 percent of the Active Employee Only premium;

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 3—Higher Educational Residency Determination**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.005.2(7), RSMo Supp. 2012, the commissioner amends a rule as follows:

**6 CSR 10-3.010 Determination of Student Residency
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2013 (38 MoReg 755). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 10—Out-of-State Public Institutions**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.005.2(7), RSMo Supp. 2012, the commissioner amends a rule as follows:

6 CSR 10-10.010 Out-of-State Public Institutions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2013 (38 MoReg 755-757). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

**10 CSR 10-5.570 Control of Sulfur Emissions From Stationary
Boilers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2013 (38 MoReg 593-595). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program did not receive any comments on the proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

10 CSR 10-6.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2013 (38 MoReg 595-596). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received five (5) comments from one (1) source: the U.S. Environmental Protection Agency (EPA).

COMMENT #1: EPA suggested a language change for subparagraph (5)(D)2.C. to improve clarity.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, rule text in subparagraph (5)(D)2.C. has been changed for clarification.

COMMENT #2: EPA questioned whether subsection (6)(A) should have an --and-- or an --or-- following paragraph (6)(A)4. when referring to the listed items.

RESPONSE AND EXPLANATION OF CHANGE: In order to issue a permit in subsection (6)(A), no item listed in paragraphs (6)(A)1. through (6)(A)5. can occur. As a result of this comment, additional rule text was added to the introductory statement in subsection (6)(A) to clarify that a permit will only be issued if the source operation or installation does not do one (1) or more of the listed items.

COMMENT #3: EPA commented that in subparagraph (6)(E)1.A. the term --actual start-up-- is introduced but throughout most of the rule the term --initial start-up-- is used and requested clarification whether these two (2) terms are used interchangeably or if they have different definitions.

RESPONSE AND EXPLANATION OF CHANGE: The intent of the rule language update in subparagraph (6)(E)1.A. was to modify the specific time period for initial start-up notification. As a result of this comment, rule language has been revised to remove the reference to actual start-up and refer to the actual date of initial start-up.

COMMENT #4: EPA commented that the purpose statement in the proposed amendment includes the incorporation of the repeal for the grandfather provisions of particulate matters less than 2.5 micrometers ($PM_{2.5}$) under the Prevention of Significant Deterioration program (76 FR 28646). EPA noted that the proposed rule amendment does not need to incorporate this federal provision because it was already incorporated in the state rule in a previous update.

RESPONSE: It is acknowledged that the particulate matter grandfather provision repeal was published in the July 1, 2011 *Code of Federal Regulations* (CFR) and was incorporated by reference in the previous update to 10 CSR 10-6.060. No changes have been made to the rule text as a result of this comment.

COMMENT #5: EPA commented that if the current rule amendment is submitted for incorporation into the State Implementation Plan (SIP), EPA will not take action to incorporate EPA's 2007 revision of the definition for chemical processing plants (the Ethanol Rule, 72 FR 24060, May 1, 2007) or EPA's 2008 Fugitive Emissions Rule, 73 FR 77882 (December 19, 2008).

RESPONSE: The department's Air Pollution Control Program does plan to submit this rule amendment to EPA for approval into the state implementation plan since it is consistent with the *Code of Federal Regulations*. The program encourages EPA to consider taking action on this submittal after they receive it to avoid confusion between requirements enforceable at the state level and those enforceable at the federal level. No changes have been made to the rule text as a result of this comment.

10 CSR 10-6.060 Construction Permits Required

(5) *De Minimis* Permits.

(D) Air Quality Analysis Requirements.

1. An air quality analysis will not be required for applications having a maximum design capacity emission rate of no more than the hourly *de minimis* level unless paragraph (5)(D)2. of this rule applies. For applications having a maximum design capacity emission rate greater than the hourly *de minimis* level, a permit will be issued only if an air quality analysis demonstrates that the proposed construction or modification will not—

A. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010; or

B. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A) Table 1, of this rule, over the baseline concentration in any attainment or unclassified area.

2. Exceptions. The director may require an air quality analysis for applications if it is likely that emissions of the proposed construction or modification will—

A. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;

B. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A) Table 1, of this rule, over the baseline concentration in any attainment or unclassified area; or

C. Result in complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(6) General Permit Requirements for Construction or Emissions Increase Greater Than *De Minimis* Levels.

(A) A permit shall be issued pursuant to this section only if it is determined that the proposed source operation or installation will not do one (1) or more of the following:

1. Violate any of the applicable provisions of this rule;

2. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;

3. Cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in subsection (11)(A) Table 1, of this rule, over the baseline concentration in any attainment or unclassified area;

4. Violate any applicable requirements of the Air Conservation Law; and

5. Cause an adverse impact on visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule).

(E) After a permit has been granted—

1. The owner or operator subject to the provisions of this rule shall furnish the permitting authority written notification as follows:

A. A notification of the anticipated date of initial start-up of the source operation or installation within thirty (30) days of the actual date of initial start-up; and

B. A notification of the actual date of initial start-up of a source operation or installation within fifteen (15) days after that date;

2. A permit may be revoked if construction or modification work is not begun within two (2) years from the date of issuance or if work is suspended for one (1) year, and if—

A. The delay was reasonably foreseeable by the owner or operator at the time the permit was issued;

B. The delay was not due to an act of God or other conditions beyond the control of the owner or operator; or

C. Failure to revoke the permit would be unfair to other potential applicants;

3. Any owner or operator who constructs, modifies, or operates an installation not in accordance with the application submitted and the permit issued, including any terms and conditions made a part of the permit, or any owner or operator of an installation who commences construction or modification after May 13, 1982, without meeting the requirements of this rule, is in violation of this rule;

4. Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the Air Conservation Law and rules or any other requirements under local, state, or federal law; and

5. The permitting authority may require monitoring of visibility in any Class I area (those designated in paragraph (12)(I)3. of this rule) near the new installation or major modification for these purposes and by such means as the permitting authority deems necessary and appropriate.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

10 CSR 10-6.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2013 (38 MoReg 596-601). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) comment on this rulemaking.

COMMENT #1: The department's Air Pollution Control Program staff commented that the term --full emissions report-- should have been capitalized for rule clarity to read --Full Emissions Report-- when the proposed rulemaking was published in the *Missouri Register*. The proposed rulemaking as published in the *Missouri Register* on April 12, 2013 does not show all usages of the term capitalized.

RESPONSE AND EXPLANATION OF CHANGE: For rule clarity, rule text in subsection (2)(B) and paragraphs (3)(A)2., (4)(C)1., (4)(C)2., and (4)(C)3. have been revised to show capitalization of the term --Full Emissions Report--.

10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information

(2) Definitions.

(B) Reporting threshold—Minimum amount of reportable emissions at the emission unit level that requires reporting as summarized in Table 1 of this rule. Emissions below this amount may be designated as insignificant on the Full Emissions Report.

(3) General Provisions.

(A) Emission Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee of forty dollars and no cents (\$40.00) per ton of applicable pollutant emissions identified in Table 2 of this rule for calendar years 2013, 2014, and 2015 in accordance with paragraphs (3)(A)2. through (3)(A)7. of this rule.

2. For Full Emissions Reports, the fee is based on the information provided in the installation's emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last Full Emissions Report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 2 of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH₃, CO, PM_{2.5}, or HAPs reported as PM₁₀ or VOC, as summarized in Table 2 of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department of Natural Resources.

7. To determine emission fees, an installation shall be considered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

TABLE 2. Pollutant Fee Applicability

Pollutants Subject to Fees	Pollutants Not Subject to Fees
PM ₁₀ pri	PM _{2.5} pri
SO ₂	CO
NO _x	NH ₃
VOC	HAPs reported as PM ₁₀ or VOC
HAP	
Lead	

(4) Reporting and Record Keeping. All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected and all these records shall be made available upon the director's request.

(C) Submittal Requirements.

1. The Full Emissions Report shall be submitted either electronically via MoEIS, which requires Form 1.0 signed by an authorized company representative, or on Emissions Inventory Questionnaire (EIQ) paper forms on the frequency specified in Table 4 of this rule. Alternate methods of reporting the emissions, such as a spreadsheet file, can be submitted for approval by the director.

2. An installation not required to submit a Full Emissions Report is required to submit a Reduced Reporting Form, which is due April 1 after each reporting year.

3. The Full Emissions Report is due April 1 after each reporting year. If the Full Emissions Report is filed electronically via MoEIS, this due date is extended to May 1.

4. The installation owner or operator of record on December 31 of the reporting year is responsible for the emissions report and associated fees for the entire reporting year.

5. If there is no production from an installation in a reporting year, no emission fees are due for that year but notice of such status must be provided to the director in writing by the emissions report due date of April 1.

6. If an installation is out of business, the final emissions report required will be for the full or partial year the installation went out of business. Notice of such status must be provided to the director in writing by the emissions report due date of April 1.

7. After the effective date of this rule, any revision to the department-supplied EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission rescinds a rule as follows:

10 CSR 10-6.345 Control of NO_x Emissions From Upwind Sources **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2013 (38 MoReg 601). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed rescission.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

10 CSR 10-6.390 Control of NO_x Emissions From Large Stationary Internal Combustion Engines **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2013 (38 MoReg 601–603). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission amends a rule as follows:

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes **is amended.**

A notice of proposed rulemaking containing the text of the proposed

amendment was published in the *Missouri Register* on April 15, 2013 (38 MoReg 603–604). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program did not receive any comments on the proposed amendment.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2012, the division adopts a rule as follows:

13 CSR 70-10.017 Nursing Facility Invasive Ventilator Program **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2013 (38 MoReg 693–696). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2015—Acupuncturist Advisory Committee
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Acupuncturist Advisory Committee under sections 324.481 and 324.487, RSMo Supp. 2012, and sections 324.490 and 324.493, RSMo 2000, the board amends a rule as follows:

20 CSR 2015-1.030 Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2013 (38 MoReg 757–760). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Committee for Professional Counselors

under section 337.507, RSMo Supp. 2012, and section 337.520.1(2), RSMo 2000, the board amends a rule as follows:

20 CSR 2095-1.020 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2013 (38 MoReg 765-767). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 2—Energy Set-Aside Fund**

IN ADDITION

Notification: Applications accepted for Energy-Efficiency and Renewable Energy Loan Cycle announced March 1, 2013 (38 MoReg 432). The deadline to submit applications is extended from August 31, 2013 to October 31, 2013.

The Missouri Department of Natural Resources (department), Division of Energy provides loan financing for energy-saving investments such as insulation, lighting systems, heating and cooling systems, renewable energy systems and other measures that reduce energy use and cost.

Loan recipients repay the loan with money saved on energy costs as a result of implementing energy efficiency and renewable energy projects. An energy saving loan is not defined as debt and therefore does not count against debt limits or require a public vote or bond issuance.

Application Procedures: The department is making available approximately five million dollars (\$5,000,000) in loan financing for qualified energy efficiency and renewable energy projects.

To apply for a loan, eligible entities must submit a completed application form to the department during the open application cycle. The department may request additional information as needed to determine the feasibility of a project and the financial risk of the proposed loan transaction. Applicants must have no outstanding actions for violations of applicable federal; state; or local laws, ordinances, and rules.

Each applicant may apply for a loan not to exceed five hundred thousand dollars (\$500,000). Loan applications below five thousand dollars (\$5,000) will not be considered.

If funds remain after review and priority ranking of applications, the department will consider awarding loans in excess of five hundred thousand dollars (\$500,000).

Eligible Energy-Using Sectors: Loan funds will be allocated to eligible energy-using sectors as follows:

Public Schools (K-12): thirty percent (30%) of available funds;
City and County Governments: thirty percent (30%) of available funds;

Public and Private Higher Education Institutions: twenty percent (20%) of available funds; and

Public and Private not-for-profit Hospitals: twenty percent (20%) of available funds.

Interest Rates: Loan principal plus two and one half percent (2.5%) interest is to be repaid to the department in semi-annual payments not to exceed a ten- (10-) year repayment period. An administrative fee of one percent (1%) of loan principal will be added to the repayment amount.

Selection Criteria: Recipients of loan financing will be determined on a competitive basis. Applications will be ranked based on the project's payback score, which is determined by dividing the cost to implement a project by the estimated yearly energy cost savings. Projects with the lowest payback score in each sector allocation will be funded until all available funds are allocated. If all funds are not allocated in any one (1) sector after ranking payback scores, the department may allocate funds to other sectors. Loan agreements will be awarded by January 31, 2014.

For More Information Contact:

Website: <http://www.dnr.mo.gov/energy/financial/loan.htm>

Phone: 1-800-361-4827

Missouri Department of Natural Resources
Division of Energy
Attention: Loan Clerk
PO Box 176
Jefferson City, MO 65102-0176

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for September 24, 2013. These applications are available for public inspection at the address shown below:

Date Filed

Project Name: Project Name
City (County)
Cost, Description

08/12/13

#4951 HT: Research Medical Center
Kansas City (Jackson County)
\$2,989,510, Replace Hybrid OR

#4953 HT: Saint Louis University Hospital
St. Louis (St. Louis City)
\$3,489,734, Replace MRI Unit

#4954 HT: Saint Louis University Hospital
St. Louis (St. Louis City)
\$3,000,000, Replace CyberKnife System

#4955 HT: Saint Louis University Hospital
St. Louis (St. Louis City)
\$2,656,892, Replace PET/CT Unit

#4962 HT: Saint Louis University Hospital
St. Louis (St. Louis City)
\$4,490,830, Replace Linear Accelerator

#4957 HT: Mercy Hospital Springfield
Springfield (Greene County)
\$1,468,016, Replace MRI Unit

#4952 RP: Brook Cherith Assisted Living
Huntsville (Randolph County)
\$491,534, LTC Expansion of 8 ALF beds

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by August 23, 2013. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102


For additional information contact
Karla Houchins, (573) 751-6403.

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to David E. Mollohan, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. David E Mollohan including M & D Excavating or (3) to any other simulation of Mr. David E Mollohan or of M & D Excavating for a period of one year, or until January 10, 2014.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
David E. Mollohan d/b/a M & D Excavating Case No. 11WR-CR00453 Wright County Cir. Ct.		1448 Kaylor Road Mountain Grove, MO 65711	1/10/2013	1/10/2013-1/10/2014

Dated this 28th day of January, 2013.


Robert A. Bedell, Acting Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against **CTRV, LLC**, a Missouri limited liability company, ("Company").

On June 24, 2013, **CTRV, LLC**, Charter Number **LC0580698**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to Carl Chinnery, Attorney at Law, c/o Chinnery Evans & Nail, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of **CTRV, LLC** any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST **CTRV, LLC** WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST PETS ON RUGS, LLC

On July 9, 2013, **Pets on Rugs, LLC**, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Secretary of State of Missouri. The Company requests that any and all claims against the Company be presented by letter to the Company in care of Riezman Berger, P.C., c/o Christine P. Mace, 7700 Bonhomme Avenue, 7th Floor, St. Louis, Missouri 63105. Each claim against the Company must include the following information: the name, the address and telephone number of the claimant; the amount of the claim; the date on which the claim arose; a brief description of the nature of or the basis for the claim; and any documentation related to the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST THE PHONE STORE, INC.**

On May 24, 2013, **THE PHONE STORE, INC.**, a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on May 24, 2013.

Said corporation requests that all person and organizations who have claims against it present them immediately by letter to the corporation at:

THE PHONE STORE, INC.

Attn: Darin Roth

P.O. Box 481571

Kansas City, MO 64148

or

R. Scott Richart, Esq.

Welch, Martin & Albano, LLC

311 W. Kansas Avenue

Independence, MO 64050

(816) 836-8000

All claims must include the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claims is based occurred.

NOTICE: Because of the dissolution of **THE PHONE STORE, INC.**, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
ECONOMY DRUG, INC.**

Effective July 17, 2013, Economy Drug, Inc., a Missouri corporation (the "Corporation"), the principal office of which is located at 309 Dunn's Lane, Richmond, Missouri 64085, was voluntarily dissolved.

All claims against the Corporation should be presented in accordance with this notice. Claims should be in writing and sent to the Corporation at this mailing address:

Economy Drug, Inc.

ATTN: Richard Ridder

309 Dunn's Lane

Richmond, Missouri 64085

The claim must contain: (1) the name, address and telephone number of the claimants; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MIDWEST CARE CENTERS, INC.**

TO WHOM IT MAY CONCERN: Be notified that Midwest Care Centers, Inc., a Missouri nonprofit public benefit corporation, has on the 8th day of July, 2013 filed and received approval by the Missouri Secretary of State of the corporation's Articles of Dissolution.

Any claims against the corporation should be forwarded to the corporation's registered agent at the following address:

Attn: Joseph L. Hiersteiner
911 Main Street, Suite 2800
Kansas City, Missouri 64105

The claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date the claim accrued or will accrue; a brief description of the nature of the debt or the basis for the claim; whether the claim is secured and, if so, the collateral used as security; and documentation to substantiate the claim.

You are further notified that all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this Notice.

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY
COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
2Tear Technologies, LLC**

On July 8, 2013, 2 Tear Technologies, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up and Articles of Termination with the Missouri Secretary of State. The Company requests that all persons and organizations who have claims against the Company present them immediately by letter to Andrew Hoyne, 100 S. Fourth Street, Suite 1000, St. Louis, MO 63102. All claims **must** include the name and address of the claimant, the amount claimed, the basis for and a description of the claim, and include copies of any supporting documentation. Any and all claims against the Company will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the publication of this notice.

NOTICE OF DISSOLUTION OF CORPORATION

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS
AGAINST BANNISTER BANCSHARES, INC., a Missouri corporation.**

On July 17, 2013, Bannister Bancshares, Inc. ("Corporation"), a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution is effective as of July 17, 2013.

The Corporation requests that all persons with claims against it present them immediately by letter to the Corporation at 8701 Prospect Ave., Kansas City, MO 64132.

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Because of the dissolution of the Corporation, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice.

Thomas W. Raupp, President

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY
COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SparkPoint Strategies, LLC**

On July 22, 2013, SparkPoint Strategies, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up and Articles of Termination with the Missouri Secretary of State. The Company requests that all persons and organizations who have claims against the Company present them immediately by letter to SparkPoint Strategies, LLC, 122 E. High Street, Jefferson City, Missouri 65101. All claims must include the name and address of the claimant, the amount claimed, the basis for and a description of the claim, and include copies of any supporting documentation. Any and all claims against the Company will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				37 MoReg 1859
1 CSR 10-15.010	Commissioner of Administration	38 MoReg 5	38 MoReg 7	38 MoReg 657	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.020	Animal Health		This Issue		
2 CSR 80-2.050	State Milk Board		This Issue		
2 CSR 80-5.010	State Milk Board		This Issue		
2 CSR 90-10	Weights and Measures				37 MoReg 1197
					38 MoReg 1241
2 CSR 90-30.040	Weights and Measures		38 MoReg 1099		
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.433	Conservation Commission		N.A.	38 MoReg 1127	
3 CSR 10-7.437	Conservation Commission		N.A.	38 MoReg 1127	
3 CSR 10-7.440	Conservation Commission		N.A.	38 MoReg 1239	
3 CSR 10-7.455	Conservation Commission		38 MoReg 1160		38 MoReg 212
3 CSR 10-10.705	Conservation Commission		38 MoReg 581	38 MoReg 1128	
3 CSR 10-10.722	Conservation Commission		38 MoReg 581	38 MoReg 1128	
3 CSR 10-10.725	Conservation Commission		38 MoReg 582	38 MoReg 1128	
3 CSR 10-12.109	Conservation Commission		38 MoReg 585	38 MoReg 1128	
3 CSR 10-12.110	Conservation Commission		38 MoReg 585	38 MoReg 1128	
3 CSR 10-12.135	Conservation Commission		38 MoReg 585	38 MoReg 1128	
3 CSR 10-20.805	Conservation Commission		38 MoReg 586	38 MoReg 1129	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 195-6.010	Division of Workforce Development		38 MoReg 171	38 MoReg 768	
4 CSR 195-6.020	Division of Workforce Development		38 MoReg 171	38 MoReg 768	
4 CSR 195-6.030	Division of Workforce Development		38 MoReg 172	38 MoReg 768	
4 CSR 195-6.040	Division of Workforce Development		38 MoReg 173	38 MoReg 768	
4 CSR 195-6.050	Division of Workforce Development		38 MoReg 173	38 MoReg 769	
4 CSR 240-13.010	Public Service Commission		This Issue		
4 CSR 240-13.015	Public Service Commission		This Issue		
4 CSR 240-13.020	Public Service Commission		This Issue		
4 CSR 240-13.025	Public Service Commission		This Issue		
4 CSR 240-13.030	Public Service Commission		This Issue		
4 CSR 240-13.035	Public Service Commission		This Issue		
4 CSR 240-13.040	Public Service Commission		This Issue		
4 CSR 240-13.045	Public Service Commission		This Issue		
4 CSR 240-13.050	Public Service Commission		This Issue		
4 CSR 240-13.055	Public Service Commission		This Issue		
4 CSR 240-13.060	Public Service Commission		This Issue		
4 CSR 240-13.070	Public Service Commission		This Issue		
4 CSR 240-18.010	Public Service Commission		This Issue		
4 CSR 265-2.068	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.035)		38 MoReg 887		
4 CSR 265-2.180	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.140)		38 MoReg 896		
4 CSR 265-2.190	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.090)		38 MoReg 894		
4 CSR 265-6.010	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.055)		38 MoReg 892		
4 CSR 265-12.020	Division of Motor Carrier and Railroad Safety		38 MoReg 881R		
4 CSR 265-12.030	Division of Motor Carrier and Railroad Safety		38 MoReg 882R		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-100.260	Division of Learning Services		38 MoReg 99	38 MoReg 769	
5 CSR 20-400.125	Division of Learning Services		38 MoReg 507	38 MoReg 1239	
5 CSR 20-400.270	Division of Learning Services		38 MoReg 105	38 MoReg 775	
5 CSR 20-400.375	Division of Learning Services		38 MoReg 825		
5 CSR 20-600.110	Division of Learning Services		38 MoReg 508	38 MoReg 1239	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-3.010	Commissioner of Higher Education		38 MoReg 755	This Issue	
6 CSR 10-10.010	Commissioner of Higher Education		38 MoReg 755	This Issue	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-7.020	Missouri Highways and Transportation Commission		38 MoReg 427	38 MoReg 1129	
7 CSR 10-7.030	Missouri Highways and Transportation Commission		38 MoReg 427	38 MoReg 1129	
7 CSR 60-2.010	Traffic and Highway Safety Division		38 MoReg 586		
7 CSR 60-2.020	Traffic and Highway Safety Division		38 MoReg 588		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 60-2.030	Traffic and Highway Safety Division		38 MoReg 589		
7 CSR 60-2.040	Traffic and Highway Safety Division		38 MoReg 590		
7 CSR 60-2.050	Traffic and Highway Safety Division		38 MoReg 592		
7 CSR 60-2.060	Traffic and Highway Safety Division		38 MoReg 592		
7 CSR 265-10.010	Motor Carrier and Railroad Safety		38 MoReg 882		
7 CSR 265-10.015	Motor Carrier and Railroad Safety		38 MoReg 883R 38 MoReg 883		
7 CSR 265-10.020	Motor Carrier and Railroad Safety		38 MoReg 884R 38 MoReg 884		
7 CSR 265-10.025	Motor Carrier and Railroad Safety		38 MoReg 885R 38 MoReg 885		
7 CSR 265-10.030	Motor Carrier and Railroad Safety		38 MoReg 886R 38 MoReg 886		
7 CSR 265-10.035	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.068)		38 MoReg 887		
7 CSR 265-10.040	Motor Carrier and Railroad Safety		38 MoReg 888R 38 MoReg 888		
7 CSR 265-10.045	Motor Carrier and Railroad Safety		38 MoReg 889		
7 CSR 265-10.050	Motor Carrier and Railroad Safety		38 MoReg 889		
7 CSR 265-10.055	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-6.010)		38 MoReg 892		
7 CSR 265-10.060	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.070	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.080	Motor Carrier and Railroad Safety		38 MoReg 893R		
7 CSR 265-10.090	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.190)		38 MoReg 894		
7 CSR 265-10.100	Motor Carrier and Railroad Safety		38 MoReg 894		
7 CSR 265-10.110	Motor Carrier and Railroad Safety		38 MoReg 895R 38 MoReg 895		
7 CSR 265-10.120	Motor Carrier and Railroad Safety		38 MoReg 896R		
7 CSR 265-10.130	Motor Carrier and Railroad Safety		38 MoReg 896		
7 CSR 265-10.140	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-2.180)		38 MoReg 896		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-5.010	Division of Employment Security		38 MoReg 1100		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-1.010	Air Conservation Commission		37 MoReg 1646	38 MoReg 839	
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R		
10 CSR 10-5.570	Air Conservation Commission		38 MoReg 593	This Issue	
10 CSR 10-6.020	Air Conservation Commission		38 MoReg 1265		
10 CSR 10-6.040	Air Conservation Commission		38 MoReg 689		
10 CSR 10-6.060	Air Conservation Commission		38 MoReg 595	This Issue	
10 CSR 10-6.070	Air Conservation Commission		38 MoReg 898		
10 CSR 10-6.075	Air Conservation Commission		38 MoReg 899		
10 CSR 10-6.080	Air Conservation Commission		38 MoReg 902		
10 CSR 10-6.110	Air Conservation Commission		38 MoReg 596	This Issue	
10 CSR 10-6.130	Air Conservation Commission		38 MoReg 903		
10 CSR 10-6.161	Air Conservation Commission		38 MoReg 1297		
10 CSR 10-6.200	Air Conservation Commission		This Issue		
10 CSR 10-6.345	Air Conservation Commission		38 MoReg 601R	This IssueR	
10 CSR 10-6.390	Air Conservation Commission		38 MoReg 601	This Issue	
10 CSR 10-6.400	Air Conservation Commission		38 MoReg 603	This Issue	
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913		
10 CSR 20-7.031	Clean Water Commission		38 MoReg 939		
10 CSR 23-1.075	Division of Geology and Land Survey		38 MoReg 283	38 MoReg 1184	
10 CSR 23-5.010	Division of Geology and Land Survey		38 MoReg 1101		
10 CSR 23-5.020	Division of Geology and Land Survey		38 MoReg 1101		
10 CSR 23-5.030	Division of Geology and Land Survey		38 MoReg 1102		
10 CSR 23-5.040	Division of Geology and Land Survey		38 MoReg 1102		
10 CSR 23-5.050	Division of Geology and Land Survey		38 MoReg 1103		
10 CSR 23-5.060	Division of Geology and Land Survey		38 MoReg 1105		
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11 CSR 85-1.010	Veterans Affairs		38 MoReg 1163		
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11 CSR 85-1.040	Veterans Affairs		38 MoReg 1165		
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12 CSR 30-3.065	State Tax Commission		38 MoReg 429	38 MoReg 1070	
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20 CSR 2232-1.040	Missouri State Committee of Interpreters		This Issue		
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20 CSR 2245-3.010	Real Estate Appraisers		38 MoReg 1304		
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20 CSR 2245-10.030	Real Estate Appraisers		37 MoReg 2317	38 MoReg 777	
20 CSR 2245-10.040	Real Estate Appraisers		37 MoReg 2318	38 MoReg 778	
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22 CSR 10-2.010	Health Care Plan	37 MoReg 1701	37 MoReg 1774	38 MoReg 536	
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22 CSR 10-2.075	Health Care Plan	37 MoReg 1727	37 MoReg 1809	38 MoReg 547	
22 CSR 10-2.091	Health Care Plan	37 MoReg 1732R	37 MoReg 1818R	38 MoReg 548R	
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22 CSR 10-3.070	Health Care Plan	37 MoReg 1755 38 MoReg 504T	37 MoReg 1847	38 MoReg 558	
22 CSR 10-3.075	Health Care Plan	37 MoReg 1756	37 MoReg 1847	38 MoReg 558	
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11 CSR 30-15.010	Format for Concealed Carry Permits	This Issue	Aug. 28, 2013Feb. 27, 2014
Peace Officer Standards and Training Program			
11 CSR 75-17.010	Minimum Training Standards for School Protection Officer Training Centers	Oct. 1, 2013 Issue . .	Sept. 2, 2013Feb. 28, 2014
11 CSR 75-17.020	Minimum Training Standards for School Protection Officer Training Instructors	Oct. 1, 2013 Issue . .	Sept. 2, 2013Feb. 28, 2014
11 CSR 75-17.030	Minimum Training Standards for School Protection Officers	Oct. 1, 2013 Issue . .	Sept. 2, 2013Feb. 28, 2014
11 CSR 75-17.040	Minimum Continuing Education Training Standards for School Protection Officers	Oct. 1, 2013 Issue . .	Sept. 2, 2013Feb. 28, 2014
Department of Revenue			
Director of Revenue			
12 CSR 10-23.500	Optional Second Plate for Commercial Motor Vehicles . .	Oct. 1, 2013 Issue . .	Aug. 29, 2013Feb. 27, 2014
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13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	38 MoReg 1215	July 1, 2013Dec. 28, 2013
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	38 MoReg 1216	July 1, 2013Dec. 28, 2013
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15 CSR 30-90.010	Definitions	Oct. 1, 2013 Issue . .	Aug. 28, 2013Feb. 27, 2014
15 CSR 30-90.090	Refusal to File; Cancellation; Defects in Filing	Oct. 1, 2013 Issue . .	Aug. 28, 2013Feb. 27, 2014
15 CSR 30-90.170	Status of Parties upon Filing an Information Statement . .	Oct. 1, 2013 Issue . .	Aug. 28, 2013Feb. 27, 2014
Department of Insurance, Financial Institutions and Professional Registration			
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20 CSR 400-11.100	Navigator Examination and Licensing Procedures and Standards	This Issue	Aug. 3, 2013Jan. 29, 2014
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20 CSR 2010-2.160	Fees	38 MoReg 1159	June 28, 2013Feb. 27, 2014
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20 CSR 2015-1.030	Fees	38 MoReg 751	April 18, 2013Jan. 28, 2014
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20 CSR 2095-1.020	Fees	38 MoReg 751	April 18, 2013Jan. 28, 2014
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22 CSR 10-2.130	Additional Plan Options	This Issue	July 26, 2013Jan. 21, 2014
22 CSR 10-3.130	Additional Plan Options	This Issue	July 26, 2013Jan. 21, 2014

**Executive
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13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	Next Issue
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rain, flooding, and flash flooding.	Aug. 6, 2013	Next Issue
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461
2012			
12-12	Reauthorizes the Governor's Committee to End Chronic Homelessness until December 31, 2016.	Dec. 31, 2012	38 MoReg 246
12-11	Advises that state offices located in Cole County will be closed on Monday, January 14, 2013, for the inauguration.	Dec. 20, 2012	38 MoReg 245
12-10	Advises that state offices will be closed on Friday November 23, 2012.	Nov. 2, 2012	37 MoReg 1639
12-09	Extends Executive Order 12-08 in order to extend the deadline for completion of approved projects under the Emergency Cost-Share Program and establishes a Program Audit and Compliance Team to inspect a sample of completed projects. It also extends Executive Order 12-07 until Nov. 15, 2012.	Sept. 10, 2012	37 MoReg 1519
12-08	Authorizes the State Soil and Water Districts Commission to implement an emergency cost-share program to address water challenges to landowners engaged in livestock or crop production due to the current drought. Additionally, it establishes the Agriculture Water Resource Technical Review Team.	July 23, 2012	37 MoReg 1294
12-07	Declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to the severe heat, dry conditions, and fire risks affecting the state.	July 23, 2012	37 MoReg 1292
12-06	Activates the Missouri State Emergency Operations Center and directs the State Emergency Management Agency, State Fire Marshall, Adjutant General, and such other agencies to coordinate with local authorities affected by fire danger due to the prolonged period of record heat and low precipitation.	June 29, 2012	37 MoReg 1139
12-05	Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012.	March 13, 2012	37 MoReg 569

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12-04	Activates the state militia in response to severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 503
12-03	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012.	Feb. 29, 2012	37 MoReg 501
12-02	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly.	Jan. 23, 2012	37 MoReg 313
12-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 23, 2012	37 MoReg 311

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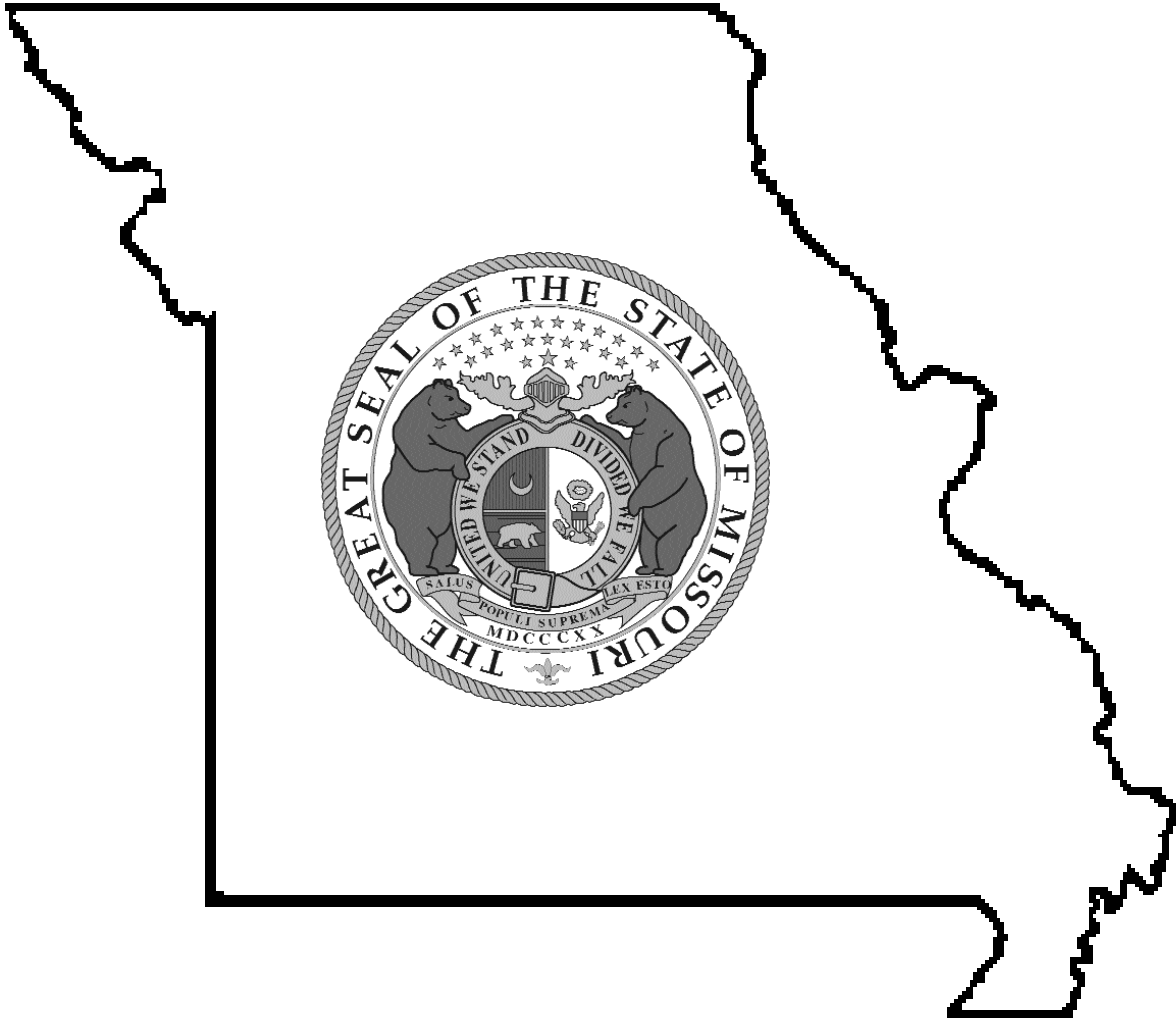
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